
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Agriculture (Legislative Functions)
(EU Exit) (No.2) Regulations 2019**

PART 3

Financing, Management and Monitoring Amendments

Amendment of Regulation (EU) No 1306/2013

61. Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy is amended in accordance with regulations 62 to 64.

62. In Article 2(1), after point (o)(1) insert—

“(p) ‘appropriate authority’ means:

- (i) subject to point (ii), the relevant authority for the constituent nation in which the regulations apply;
- (ii) the Secretary of State:
 - (aa) in relation to regulations made under Article 66(3) or (4), where the subject matter is outside devolved competence;
 - (bb) in relation to Wales, for regulations made under Article 8, 20, 79(2), 84(6), 88 or 106(5) or (6) of this Regulation, if consent is given by the Welsh Ministers;
 - (cc) in relation to Scotland, if consent is given by the Scottish Ministers;
 - (dd) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;

For the purposes of point (ii)(aa), it is outside devolved competence to make any provision by subordinate legislation which would be outside the legislative competence of:

- in relation to Wales, the National Assembly for Wales, if it were included in an Act of the Assembly (see section 108A of the Government of Wales Act 2006);
- in relation to Scotland, the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998);
- in relation to Northern Ireland, the Northern Ireland Assembly if it were included in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998).”.

63. In Article 66—

(1) Article 2 of Regulation (EU) No. 1306/2013 is amended to include new paragraphs and definitions of “relevant authority and constituent nation” by the Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXXX).

- (a) in paragraph 3, for the words from “Commission” to “Article 115” substitute “appropriate authority may make regulations”;
- (b) in paragraph 4—
 - (i) for “The Commission may adopt implementing acts” substitute “The appropriate authority may make regulations”;
 - (ii) omit point (c);
 - (iii) omit the second subparagraph.

64. In Article 89

- (a) in paragraph 5—
 - (i) omit “Union funds and”;
 - (ii) for “Union wine” substitute “wine originating in the United Kingdom”;
 - (iii) from the words from “Commission” to “Article 115” substitute “Secretary of State may make regulations”;
 - (iv) in point (a), for “Member States” substitute “the relevant authority”;
 - (v) for point (c), substitute—
 - “(c) rules on the use of findings”;
- (b) in paragraph 6—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) in point (a), omit “Member States’ own databanks and to”;
 - (iii) omit the second subparagraph;
- (c) after paragraph 6, insert—
 - “7. The Secretary of State may not make regulations under paragraph 5 or 6 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.
 - 8. Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 5 or 6, the Secretary of State must have regard to that request.”.

Amendment of the Agriculture (Legislative Functions) (EU Exit) Regulations 2019

65. Regulation 3 of the Agriculture (Legislative Functions) (EU Exit) Regulations 2019(2) is revoked.