
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Agriculture (Legislative
Functions) (EU Exit) Regulations 2019

PART 3

Amendments to Direct Payments Regulations

Amendment of Regulation (EU) No 1307/2013

48. For Articles 70 and 71 substitute—

“Article 70

Regulations: General

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
4. Regulations under this Regulation may:
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.

Article 71

Regulations: the Secretary of State

1. Except as specified in paragraph 2 to 6, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
2. A statutory instrument containing regulations made by the Secretary of State under Articles 6(3), 7(3), 8(3) 15, 43(12), or 52(9) or (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
3. A statutory instrument containing regulations made by the Secretary of State under Article 69(1) must be laid before Parliament after being made.
4. Regulations made by the Secretary of State under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is

made unless, during that period, the instrument is approved by resolution of each House of Parliament.

5. In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which:

- (a) Parliament is dissolved or prorogued, or
- (b) either House of Parliament is adjourned for more than 4 days.

6. If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

7. Before making any regulations under this Regulation, other than regulations under Article 69(1), the Secretary of State must consult:

- (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the Secretary of State may consider appropriate.

Article 71A

Regulations: the Welsh Ministers

1. Except as specified in paragraphs 2 to 6, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Articles 15 and 43(12) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

3. A statutory instrument containing regulations made by the Welsh Ministers under Article 69(1) must be laid before the National Assembly for Wales after being made.

4. Regulations made by the Welsh Ministers under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument containing them is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

5. In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which the National Assembly for Wales:

- (a) is dissolved, or
- (b) in recess for more than 4 days.

6. If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

7. Before making any regulations under this Regulation, other than regulations under Article 69(1), the Welsh Ministers must consult:

- (a) such bodies or persons as appear to the Welsh Ministers to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the Welsh Ministers may consider appropriate.

Article 71B

Regulations: the Scottish Ministers

1. Except as specified in paragraphs 2 to 6, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
2. Regulations made by the Scottish Ministers under Articles 15 and 43(12) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
3. Regulations made by the Scottish Ministers under Article 69(1) must be laid before the Scottish Parliament after being made.
4. Regulations made by the Scottish Ministers under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.
5. In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which the Scottish Parliament is:
 - (a) dissolved, or
 - (b) in recess for more than 4 days.
6. If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.
7. Before making any regulations under this Regulation, other than regulations under Article 69(1), the Scottish Ministers must consult:
 - (a) such bodies or persons as appear to the Scottish Ministers to be representative of the interests likely to be substantially affected by the regulations, and
 - (b) such other bodies or persons as the Scottish Ministers may consider appropriate.

Article 71C

Regulations: Northern Ireland

1. Except as specified in paragraphs 2 to 6, regulations made by the Department of Agriculture, Environment and Rural Affairs (“the Department”) under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
2. Regulations may not be made by the Department under Articles 15 and 43(12) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.
3. Regulations made by the Department under Article 69(1) must be laid before the Northern Ireland Assembly after being made.
4. Regulations made by the Department under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.
5. In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which the Northern Ireland Assembly is:
 - (a) dissolved,

- (b) in recess for more than 4 days, or
- (c) adjourned for more than 6 days.

6. If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

7. Before making any regulations under this Regulation, other than regulations under Article 69(1), the Department must consult:

- (a) such bodies or persons as appear to the Department to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the Department may consider appropriate.”.