
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

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).”.

(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).