
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 6(1) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) and sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (d) and (g) of the 2018 Act) arising from the withdrawal of the United Kingdom from the European Union and to reflect the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

Regulation 2 makes provision as to the status of the position of certain EU Regulations which were incorporated into domestic law with effect from exit day insofar as relating to direct payments and incorporated with effect from IP completion day for remaining purposes.

Regulations 3 to 10 make amendments to the Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), the Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/765) and the Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748) to reflect that these amendments will not apply in relation to direct payments following the withdrawal agreement and the Direct Payments to Farmers (Legislative Continuity) Act 2020 including regulations made under that Act. Regulation 18 makes consequential amendments to the Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1405).

Regulation 11 amends the Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733) to reflect the withdrawal agreement.

Regulations 12 to 14 respectively amend the Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), the Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/770) and the European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/785) to reflect the withdrawal agreement. Regulations 13 and 14 also insert additional operability amendments.

Regulations 15 and 16 make amendments to correct errors identified in the Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823) and the Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831). Regulation 16 makes a consequential amendment to an amendment in Regulation 10.

Regulations 17 and 19 respectively amend the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1402) and the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No.2) Regulations 2019 (S.I. 2019/1422) to make some small corrections.

Regulations 20 to 22 make amendments to Commission Implementing Regulation (EU) No 543/2011, Commission Delegated Regulation (EU) 2017/891 and Commission Implementing Regulation (EU) 2017/892 concerning producer groups, producer organisations and notifications in the fruit and vegetables and processed fruit and vegetables sectors.

Regulation 23 amends provisions of Commission Implementing Regulation (EU) 2017/1185 relating to notifications of agricultural market information to domestic authorities.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 No. 1445*

Regulation 24 revokes Regulations and parts of Regulations which have been superseded by the Direct Payments to Farmers (Legislative Continuity) Act 2020 and the Regulations made under that Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.