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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**The Agriculture (Payments) (Amendment,  
etc) (EU Exit) Regulations 2020**

**PART 2**

**CAP Horizontal Legislation**

**Treatment of CAP Horizontal Legislation**

2.—(1) On IP completion day, each of the Regulations listed in paragraph (2) is to be treated as though section 3 of the European Union (Withdrawal) Act 2018 resulted in that Regulation forming part of domestic law in the form in which it applied on exit day, but—

- (a) insofar as it applies to the CAP direct payment schemes—
  - (i) excluding any Articles or parts of Articles which were not incorporated by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020; and
  - (ii) insofar as it applies in each constituent nation, amended in accordance with any amendments in force in the constituent nation immediately before IP completion day;
- (b) in all other cases, amended in accordance with any amendments made to the Regulation as it had effect in EU law by the European Commission or the European Parliament and the Council between exit day and the coming into force of this regulation.

(2) The Regulations referred to in paragraph (1) are—

- (a) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy<sup>(1)</sup>;
- (b) Commission Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro<sup>(2)</sup>;
- (c) Commission Implementing Regulation (EU) No 908/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency<sup>(3)</sup>;
- (d) Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the

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(1) EUR 2013/1306, amended in relation to direct payment schemes by [S.I. 2020/90](#) and 576. EUR 2013/1306 is also amended prospectively with effect from IP completion day by [S.I. 2019/748](#) (as amended by [S.I. 2019/831](#)), 763 (as amended by [S.I. 2019/812](#)), [831](#) and [1402](#).

(2) EUR 2014/907, amended in relation to direct payment schemes by [S.I. 2020/90](#). EUR 2014/907 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(3) EUR 2014/908, amended in relation to direct payment schemes by [S.I. 2020/90](#). EUR 2014/908 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

Council with regard to the integrated administration and control system, rural development measures and cross compliance(4);

- (e) Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(5).

(3) In this regulation “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be.

### **The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

3.—(1) The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019(6) is amended as follows.

(2) In regulation 2, after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(7),”

(3) In regulation 3, in paragraph (2)(a)—

(a) before paragraph (i) insert—

“(ai) omit point (e)”;

(b) in paragraph (i), in the substituted text, after “means” insert “, insofar as it relates to agricultural support”;

(c) in paragraph (iii), for points (h) to (n) in the substituted text, substitute—

“(h) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;

(i) “agricultural support” means support for rural development and CMO support;

(j) “economic operator” means any person or public entity or group of such persons or entities, including any temporary association of undertakings, which offers the execution of works or a work, the supply of products or the provision of services on the market;

(k) “relevant authority”, unless otherwise defined in this Regulation, means:

(i) in England, the Secretary of State;

(ii) in Wales, the Welsh Ministers;

(iii) in Scotland, the Scottish Ministers;

(iv) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

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(4) EUR 2014/809, amended in relation to direct payment schemes by [S.I. 2020/90](#) and 576. EUR 2014/809 is also amended in relation to direct payment schemes in England by [S.I. 2020/510](#) and 575, in relation to direct payment schemes in Wales by [S.I. 2020/473](#) and 531, in relation to direct payment schemes in Scotland by [S.S.I. 2020/244](#) and in relation to direct payment schemes in Northern Ireland by [S.R. 2020/81](#) and 105. EUR 2014/809 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(5) EUR 2014/640, amended in relation to direct payment schemes by [S.I. 2020/90](#), in relation to direct payment schemes in England by [S.I. 2020/551](#) and in relation to direct payment schemes in Northern Ireland by [S.R. 2020/94](#). EUR 2014/640 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(6) [S.I. 2019/763](#); amended by [S.I. 2019/812](#).

(7) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 1306/2013 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and section 7A of the European Union (Withdrawal Agreement) Act 2018 certain programmes and activities committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law. This affects rural development and the common organisation of the markets.

- (l) “relevant accounting officer” means:
- (i) in England, the accounting officer for the Department for Environment, Food and Rural Affairs;
  - (ii) in Wales, the Permanent Secretary of the Welsh Government;
  - (iii) in Scotland, the Permanent Secretary of the Scottish Government;
  - (iv) in Northern Ireland, the Permanent Secretary of the Department of Agriculture, Environment and Rural Affairs;
- (n) “CMO support” means financial support granted under:
- (i) Regulation (EU) No 1308/2013<sup>(8)</sup> or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;
  - (ii) any delegated or implementing acts adopted on the basis of Regulation (EC) No 1234/2007;
  - (iii) Regulation (EU) No 1144/2014<sup>(9)</sup> or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation.”.
- (4) In regulation 4, for paragraph (3) substitute—
- “(3) In Article 7, for paragraphs 1 to 6 substitute—
- “**1.** Paying agencies shall be departments or bodies designated by the relevant authority, which have an administrative organisation and a system of internal control that provide sufficient guarantees that payments are legal and regular, and properly accounted for.
- 2.** The number of paying agencies shall be restricted to no more than one per constituent nation. However, the relevant authorities may jointly designate a single paying agency for the UK to manage aid schemes which, by their nature, have to be managed at UK level.
- 3.** Paying agencies shall be responsible for the management and control of expenditure on agricultural support. With the exception of payment, the carrying out of those tasks may be delegated.
- 4.** The relevant authorities shall have joint responsibility for the following tasks:
- (a) to take or coordinate, as the case may be, actions with a view to resolving deficiencies of a common nature;
  - (b) to promote and, where possible, ensure harmonised application of sectoral agricultural legislation.
- 5.** The paying agencies shall manage and ensure the control of the operations linked to public intervention for which they are responsible and they shall retain overall responsibility in that field.”.”.
- (5) In regulation 5(1)(b)—
- (a) the words from “for points” to the end become paragraph (ii) of that sub-paragraph;
  - (b) before that paragraph, insert—
- “(i) omit point (b);”.
- (6) In regulation 6—
- (a) in paragraph (2), omit “Direct payment support and”;

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<sup>(8)</sup> EUR 2013/1308, amended prospectively with effect from IP completion day by S.I. 2019/821, 828, 831, 1402, 1422.

<sup>(9)</sup> EUR 2014/1144, amended prospectively with effect from IP completion day by S.I. 2019/821 and 831.

- (b) in paragraph (5), for “25” substitute “29”;
- (c) omit paragraphs (6) and (7);
- (d) for paragraph (17) substitute—
  - “(17) In Article 50—
    - (a) for the heading, substitute—
      - “Powers”;
      - (b) omit paragraph 1.”;
  - (e) in paragraph (20), in the substituted heading and text, in both places it occurs, omit “direct payment support and”.
- (7) In regulation 7—
  - (a) in paragraph (5)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in paragraph 1—
        - (i) in the first subparagraph, omit the words from “and, where relevant” to the end;
        - (ii) in the second subparagraph, omit “national or Union”;;
      - (ii) after sub-paragraph (b) insert—
        - “(c) in paragraph 3, omit “and payment entitlements,”.”;
    - (b) in paragraph (9)—
      - (i) for sub-paragraph (b) substitute—
        - “(b) in paragraph 2—
          - (i) omit “to the support schemes listed in Annex I of Regulation (EU) No 1307/2013 and”;
          - (ii) for “34 and 40” substitute “and 34”;;
        - (ii) in sub-paragraph (c)—
          - (aa) in paragraph (i), after “for” insert “the words from “where” to”;
          - (bb) for paragraph (ii) substitute—
            - “(ii) omit point (b).”;
      - (c) for paragraph (10) substitute—
        - “(10) In Article 68—
          - (a) in paragraph 1, omit point (c);
          - (b) omit paragraphs 3 and 4.”;
      - (d) in paragraph (12), for sub-paragraph (b) substitute—
        - “(b) omit paragraph 2.”;
      - (e) for paragraph (13) substitute—
        - “(13) Omit Article 71.”;
      - (f) in paragraph (14)—
        - (i) in sub-paragraph (a), before paragraph (i) insert—
          - “(zi) omit “an application for direct payments or”;
          - (zai) omit point (b).”;

- (ii) in sub-paragraph (b), after paragraph (i) insert—
  - “(ia) in point (a), omit the words from “, and/or may decide” to the end of the sentence.”;
- (g) in paragraph (16)(a), for paragraph (ii) substitute—
  - “(ii) omit point (a).”;
- (h) for paragraph (17) substitute—
  - “(17) In Article 77—
    - (a) in paragraph 2—
      - (i) in point (e), for “to be set by the Commission” substitute “set”;
      - (ii) in point (f), for “to be defined by the Commission” substitute “as defined”;
    - (b) omit paragraph 6.”;
  - (i) in paragraph (27), for sub-paragraph (a) substitute—
    - “(a) in paragraph 1—
      - (i) for “Member States” substitute “The relevant authority”;
      - (ii) at the end, insert the following subparagraph—
        - “In this paragraph and in paragraph 4, ‘relevant authority’ means:
          - (a) in England, the Secretary of State;
          - (b) in Wales, the Welsh Ministers;
          - (c) in Scotland, the Scottish Ministers.”;
  - (j) in paragraph (28)—
    - (i) after sub-paragraph (aa) insert the following sub-paragraph—
      - “(ab) at the end of paragraph 2, insert the following subparagraph—
        - “In this Article, ‘relevant authority’ means:
          - (a) in England, the Secretary of State;
          - (b) in Wales, the Welsh Ministers;
          - (c) in Scotland, the Scottish Ministers.”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) for “the Union” substitute “Great Britain”.”.
- (8) In regulation 8—
  - (a) for paragraph (2) substitute—
    - “(2) In Article 92—
      - (a) in the first paragraph, omit the words from “direct payments” to “1308/2013 and”;
      - (b) for second paragraph substitute—
        - “However, Article 91 shall not apply to the support referred to in Article 28(9) of Regulation (EU) No 1305/2013(10).”;
  - (b) in paragraph (4), before sub-paragraph (a) insert—
    - “(za) in the heading, omit “of Member States”;

- (c) for paragraph (7) substitute—
  - “(7) In Article 97—
    - (a) in paragraph 1, omit the second subparagraph;
    - (b) in paragraph 3—
      - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
      - (ii) in the second subparagraph, for “a Member State” substitute “the relevant authority”.”.
- (9) In regulation 9(5)—
  - (a) for point (b) substitute—
    - “(b) omit paragraph 3.”;
  - (b) in sub-paragraph (c)(i), omit “direct payment support and”.
- (10) In regulation 10—
  - (a) in paragraph (3)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in paragraph 1—
        - (i) for “Member States and the Commission” substitute “The relevant authority”;
        - (ii) after “Title IV,” insert “and”;
        - (iii) omit “and Chapter III of Title VII”;
      - (aa) in paragraph 2, omit the words from “for monitoring” to “well as”.”;
  - (b) for paragraph (4) substitute—
    - “(4) Omit Articles 118 to 121.”;
  - (c) omit paragraph (5).
- (11) In regulation 11—
  - (a) in the heading, for the words from “1 and” to the end substitute “1 to 3 (Information, rules on cross-compliance and correlation table)”;
  - (b) after paragraph (2) insert—
    - “(3) Omit Annex 3.”.
- (12) Omit Part 3.

**The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

4. The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019(11) are amended in accordance with regulations 5 to 9.

5. In regulation 2, in paragraphs (2), (3)(a)(i) and (8)(a)(iii)(aa), omit “direct payments and”.

6.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(12),”.

(3) In paragraph (5)(a)(i) omit “direct payments and”.

(4) In paragraph (6), for “and 13” substitute “, 13 and 14”.

(5) In paragraphs (9)(b)(ii) and (11)(c), before “national” insert “the applicable”.

(6) For paragraph (24) substitute—

“(24) In Article 45, omit the second paragraph.”

(7) After paragraph (24) insert—

“(24A) After Article 45 omit the words from “This Regulation” to “States.”

(8) In paragraph (28), for “Annex 5” substitute “Annexes 5 and 6”.

7.—(1) Regulation 4 is amended as follows.

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(13),”.

(3) In paragraphs (7)(a)(ii), (7)(d) and (11)(b)(iii)(bb), omit “direct payment and”.

(4) For paragraph (29)(b) substitute—

“(b) in paragraph 2, for the words from “expressed” to the end substitute “to be expressed in sterling”,”.

(5) For paragraph (35) substitute—

“(35) Omit Articles 63 and 64.”

(6) After paragraph (35) insert—

“(35A) After Article 64, omit the words from “This Regulation” to “States.”

(7) In paragraph (37), omit “direct payment and” in each place it occurs.

(8) In paragraph (38)(b)—

(a) omit “direct payment and” in each place it occurs;

(b) in paragraph (ii)(bb), omit “direct payments and”.

(9) After paragraph (38), insert—

“(39) In Annex 13, omit paragraphs 1, 5 and 6.”

8.—(1) Regulation 5 is amended as follows.

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(14),”.

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(12) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 907/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes only. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(13) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 908/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(14) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 809/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

- (3) In paragraph (2)(a)—
- (a) in paragraph (iii) for “point (g)” substitute “points (f) and (g);
  - (b) after paragraph (iii) insert—
    - “(iia) in point (h), omit “aid applications and”;
    - (iib) in point (j), omit “as well as of unduly allocated payment entitlements”;
  - (c) for paragraph (iv) substitute—
    - “(iv) for point (m) substitute—
      - “(m) payment claims, including the final date for the submission of applications, requirements as to the minimum amount of information to be included in applications and provisions which allow a relevant authority to apply simplified procedures”;
  - (d) after paragraph (iv) insert—
    - “(v) in point (n), omit “aid application or”.”.
- (4) In paragraph (3)(a)—
- (a) before paragraph (i) insert—
    - “(ai) omit “aid schemes and”;
  - (b) after paragraph (ii) insert—
    - “(iia) omit “direct payments and”;
  - (c) after paragraph (iii) insert—
    - “(iv) omit “aid applications”;
- (5) For paragraph (4) substitute—
- “(4) In Article 3, in paragraph 1—
    - (a) in the first subparagraph, omit “aid application”;
    - (b) in the second subparagraph, in both places it occurs, for “Member State” substitute “relevant authority”.
- (6) After paragraph (4) insert—
- “(4A) In Article 4, for “Aid applications, applications” substitute “Applications”.
- (7) For paragraph (5) substitute—
- “(5) In Article 5—
    - (a) in the first paragraph, omit “direct payment schemes or”;
    - (b) in the second paragraph, for “Union or national law” substitute “the law applying in the constituent nation”.
- (8) For paragraph (6) substitute—
- “(6) In Article 6—
    - (a) omit paragraph 1;
    - (b) in paragraph 2—
      - (i) omit the words from “each”, in the first place it occurs, to “and for”;
      - (ii) omit point (f);
    - (c) omit paragraph 3;
    - (d) in paragraph 4, for “paragraph 3” substitute “paragraph 2”.
- (9) In paragraph (10)—



- (a) for sub-paragraphs (a) to (c) substitute—
  - “(a) in paragraph 1—
    - (i) for “No 1305/2013,” substitute “No 1305/2013 and”;
    - (ii) omit “and (EU) No 1307/2013”;
    - (iii) in points (b) and (c), omit “direct payment scheme or” in each place it occurs;
  - (b) in paragraph 2—
    - (i) omit “aid applications or”;
    - (ii) for “Member States”—
      - (aa) in the first it occurs, substitute “the relevant authority”;
      - (bb) in the second place it occurs, substitute “The relevant authority”;
    - (iii) for “an aid application or payment” substitute “a payment”;
    - (iv) omit “direct payment scheme or”;
    - (v) omit “national”;
    - (vi) omit “aid applications and”;
    - (vii) for “Member State” substitute “The relevant authority”;
  - (c) in paragraph 3, omit “aid application or”;
- (b) after paragraph (c) insert—
  - “(ca) in paragraph 4—
    - (i) for “Member States”—
      - (aa) in the first place it occurs, substitute “the relevant authority”;
      - (bb) in the second place it occurs, substitute “The relevant authority”;
    - (ii) in the first subparagraph, omit “, aid application”;
- (10) In paragraph (11)(a)—
  - (a) after “States” insert “decide”;
  - (b) after “authority” insert “decides”.
- (11) In paragraph (12)(a)—
  - (a) after paragraph (i) insert—
    - “(ia) omit “, aid applications”;
  - (b) for paragraph (iii) substitute—
    - “(iii) in the second subparagraph—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) omit “aid and/or”;
- (12) For paragraph (13) substitute—
  - “(13) In Article 14—
    - (a) in paragraph 1—
      - (i) in points (b) and (g), omit “direct payment schemes and/or” in both places it occurs;
      - (ii) omit points (c) and (h);
    - (b) omit paragraphs 2 and 3.”.

(13) For paragraph (15) substitute—

“(15) In Article 15—

(a) in paragraph 1, in the first subparagraph—

(i) omit “or individual payment entitlements”;

(ii) omit “direct payment schemes or”;

(b) in paragraph 1, in the second subparagraph—

(i) omit “direct payment scheme or”;

(ii) omit “or in respect of payment entitlements”;

(c) in paragraph 1b—

(i) omit “direct payment schemes or”;

(ii) omit the last sentence;

(d) in paragraph 2—

(i) in the first subparagraph, omit the words from “, except in the case of” to the end;

(ii) in the second and third subparagraphs, for “Member States”, in each place it occurs, substitute “the relevant authority”;

(iii) in the third subparagraph, omit the words from “the payment for agricultural practices beneficial” to “Regulation (EU) No 1307/2013 or”;

(14) After paragraph 15 insert—

“(15A) In Article 16, omit the words from “, in particular” to “No 1307/2013,.”.

(15) In paragraph (16)—

(a) for sub-paragraphs (b) to (d) substitute—

“(b) in paragraph 4—

(i) in the first subparagraph, omit “basic payment scheme, the single area payment scheme and/or”;

(ii) in the second subparagraph, omit the last sentence.

(c) in paragraph 5, for the first and second subparagraphs substitute—

“**5.** The beneficiary shall unambiguously identify and declare the area of each agricultural parcel. For this purpose, the beneficiary may confirm the information already provided in the pre-established form. However, where the information on the area, location or boundary of the agricultural parcel is not correct or is incomplete, the beneficiary shall correct or make changes to the pre-established form.”;

(d) in paragraph 6, omit the third subparagraph;”;

(b) after sub-paragraph (d) insert—

“(e) omit paragraphs 7 to 9.”.

(16) In paragraph (17), for “Article 19” substitute “Articles 18 to 20”.

(17) Omit paragraph (18).

(18) In paragraph (19)—

(i) for sub-paragraphs (a) and (b) substitute—

“(a) in paragraph 1—

- (i) for the words from “livestock aid application” to “that Regulation” substitute “payment claim under animal related support measures as defined in point (14) of the second subparagraph of Article 2(1) of Delegated Regulation (EU) No 640/2014”;
  - (ii) omit “aid and/or”;
  - (iii) in point (c), omit “a livestock aid application or”;
  - (iv) in point (d), for “Member State” substitute “relevant authority”;
  - (v) in point (e) omit “scheme or”;
  - (vi) in point (f) omit “aid and/or”;
- (ab) in paragraph 2, omit “livestock aid application or”;
- (b) in paragraph 3—
  - (i) for “Member States” substitute “A relevant authority”;
  - (ii) omit “livestock aid application or”;
- (ii) in sub-paragraph (c), for paragraphs (i) to (iii) substitute—
  - “(i) in the first subparagraph—
    - (aa) for “Member States” substitute “A relevant authority”;
    - (bb) omit “livestock aid application or”;
    - (cc) omit “aid schemes or”;
  - (ii) in the second subparagraph—
    - (aa) omit “aid and/or” in both places it occurs;
    - (bb) for “Member State” substitute “relevant authority”;
  - (iii) in the third subparagraph—
    - (aa) for “Member States” substitute “the relevant authority”;
    - (bb) in point (a), omit “aid scheme and/or”.
- (19) For paragraphs (20) and (21) substitute—
  - “(20) Omit Article 22.
  - (21) Omit Article 23.”.
- (20) For paragraphs (22) to (24) substitute—
  - “(22) In Article 24—
    - (a) in paragraph 1—
      - (i) in point (a), omit “aid application,”;
      - (ii) in point (b)—
        - (aa) omit “aid scheme and/or”;
        - (bb) omit “aid and/or”;
    - (b) in paragraph 2—
      - (i) for “Member States”—
        - (aa) in the first place it occurs, substitute “The relevant authority”;
        - (bb) in the second place it occurs, substitute “relevant authority”;
      - (ii) for “Union law or laid down in relevant national law” substitute “the law applying in the constituent nation”.

- (22A) In Article 25, in the second subparagraph, omit “livestock aid applications or”.
- (23) In Article 26—
- (a) in paragraph 1, for “Union law” substitute “the law applying in the constituent nation”;
  - (b) in paragraph 3, omit “aid schemes or”;
  - (c) in paragraph 4, omit the second subparagraph.
- (24) In Article 27, in the second paragraph—
- (a) for “Member States” substitute “The relevant authority”;
  - (b) omit “schemes listed in Annex I to Regulation (EU) No 1307/2013”;
  - (c) omit the last sentence.”.
- (21) For paragraph (25)(b) substitute—
- “(b) in paragraph 2—
- (i) omit “animal aid schemes and”;
  - (ii) for “Member States” substitute “a relevant authority”.”.
- (22) For paragraphs (26) to (28) substitute—
- “(26) In Article 29—
- (a) in paragraph 1—
    - (i) in point (a), omit “and Annex VI to Council Regulation (EC) No 73/2009,”;
    - (ii) omit point (b);
    - (iii) in point (c), omit “direct payment scheme and/or”;
    - (iv) omit point (d);
    - (v) in point (e), omit “aid and/or” in both places it occurs;
    - (vi) omit points (f) and (g);
  - (b) in paragraph 3—
    - (i) for “an”, in the first place it occurs, substitute “a”;
    - (ii) omit “aid application and/or”;
    - (ii) omit “under the same aid scheme or”;
    - (iii) for “Member State” substitute “a relevant authority”.
- (27) Omit Article 30.
- (28) Omit Article 31.”.
- (23) After paragraph (29) insert—
- “(29A) Omit Article 33.
- (29B) In Article 33a, omit “aid scheme or” in each place it occurs.”.
- (24) For paragraphs (30) to (32) substitute—
- “(30) In Article 34—
- (a) omit paragraph 2;
  - (b) in paragraph 3—
    - (i) for “Articles”, in both places it occurs, substitute “Article”;
    - (ii) omit “and 33” in both places it occurs;

- (ii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (c) in paragraph 4, for “Articles 30 to 33” substitute “Article 32”;
  - (d) in paragraph 4a—
    - (i) for “Articles 30 to 33” substitute “Article 32”;
    - (ii) omit “aid scheme or”;
    - (iii) omit “aid schemes or”;
  - (e) in paragraph 5, in point (c), for “Member State” substitute “relevant territory”;
  - (f) in paragraph 7, omit “aid applications or”.
- (30A) In Article 35, omit “aid scheme or”.
- (31) In Article 36—
- (a) in paragraph 1, omit “aid schemes or”;
  - (b) omit paragraphs 2 and 3;
  - (c) in paragraph 4, for “Member States” substitute “the relevant authority”;
  - (d) in paragraph 5—
    - (i) for “Paragraphs 2, 3 and 4” substitute “Paragraph 4”;
    - (ii) omit the words from “or the conditions” to “this Article”;
    - (iii) for “Member States” substitute “the relevant authority”;
    - (iv) omit “Articles 30(a), (b) and (f) and/or”;
    - (v) omit “aid schemes or”;
  - (e) omit paragraph 6.
- (32) In Article 37—
- (a) in paragraph 1, in the first subparagraph, omit the words from “for which aid” to “and/or”;
  - (b) in paragraph 2—
    - (i) omit “aid schemes and/or”;
    - (ii) omit the second subparagraph.
  - (c) omit paragraph 3.”.
- (25) In paragraph (33)—
- (a) before sub-paragraph (a) insert—
    - “(za) in paragraph 1—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “area-related aid schemes or”;
  - (b) for sub-paragraph (c) substitute—
    - “(c) omit paragraph 6;
    - (d) in paragraph 8, omit “or the single area payment scheme”;
    - (e) in paragraph 9—
      - (i) for “paragraphs 1 to 8”, where those words appear for the first time, substitute “this Article”;
      - (ii) omit “paragraphs 1 to 8 of”;

- (iii) omit “aid or”.
- (26) For paragraphs (34) to (36) substitute—
  - “(34) In Article 39—
    - (a) in paragraph 1—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “area-related aid schemes or”;
    - (b) omit paragraphs 2 and 3.
  - (35) In Article 40—
    - (a) for “Member State” substitute “relevant authority”;
    - (b) in point (a), omit “aid application and/or”;
  - (36) In Article 40a—
    - (a) in paragraph 2—
      - (i) in point (a), omit “30, 31.”;
      - (ii) omit point (b);
    - (c) in paragraph 3, in the first subparagraph—
      - (i) omit “area-related aid scheme or”;
      - (ii) omit the words from “or to defined groups of beneficiaries” to the end;
    - (d) in paragraph 4—
      - (i) omit “direct payment schemes,” in both places it occurs;
      - (ii) omit “30, 31.”.
- (27) In paragraph (38), before sub-paragraph (a) insert—
  - “(za) in paragraph 1—
    - (i) in point (a) and (f), omit “aid schemes or” in both places it occurs;
    - (ii) in point (a), omit “, aid applications”;
    - (iii) in point (h), omit “aid schemes,”.
- (28) For paragraph (39) substitute—
  - “(39) In Article 42—
    - (a) in paragraph 1—
      - (i) in the first subparagraph—
        - (aa) omit “aid applications or”;
        - (bb) omit “animal aid schemes or”;
      - (ii) in the second subparagraph—
        - (aa) for “Member State” substitute “relevant authority”;
        - (bb) omit “or Article 33”;
        - (cc) omit “respective animal aid scheme or”;
        - (dd) for “an aid application or” substitute “a”;
        - (ee) for “Member States” substitute “the relevant authority”;
        - (ff) omit “or 33”;
      - (iii) in the third subparagraph, for “Member State” substitute “relevant authority”;

- (iv) in the fourth subparagraph, omit “aid applications and/or”;
  - (b) in paragraph 2, omit “aid applications or”.
- (29) In paragraph (40), before sub-paragraph (a) insert—
- “(za) in paragraph 1—
    - (i) in point (a)—
      - (aa) omit “animal aid schemes and/or”;
      - (bb) omit “livestock aid applications and/or”;
    - (ii) in point (e), omit “animal aid schemes and/or”.
- (30) After paragraph (40) insert—
- “(40A) Omit Article 44.”.
- (31) For paragraph (51) substitute—
- “(51) In Article 64—
- (a) in point (a), omit “national”;
  - (b) in point (d), omit the words from “and the maintenance of permanent pasture” to the end.”.
- (32) In paragraph (54), for sub-paragraph (a) substitute—
- “(a) in paragraph 1—
- (i) for the first subparagraph substitute—
    - “**1.** The competent control authority shall, with regard to the requirements and standards for which it is responsible, carry out on-the-spot checks on at least 1% of the total number of the beneficiaries receiving annual premia referred to in Article 92 of Regulation (EU) No 1306/2013 and the other beneficiaries receiving direct payment support.”;
  - (ii) in the fourth subparagraph, for “Member States” substitute “the relevant authority”.
- (33) For paragraph (55) substitute—
- “(55) In Article 69—
- (a) in paragraph 1, in the third subparagraph, for “A Member State” substitute “The relevant authority”;
  - (b) in paragraph 5, omit the last sentence;
  - (c) for paragraph 6 substitute—
    - “**6.** By way of derogation from Article 68(1), the samples of beneficiaries to be checked on the spot may be selected at the minimum rate of 1% of the beneficiaries receiving annual premia under Article 21(1)(a) and (b) and Articles 28 to 31, 33 and 34 of Regulation (EU) No 1305/2013.”.
- (34) After paragraph (55) insert—
- “(55A) In Article 70a, in paragraph 3—
- (a) omit “direct payment schemes.”;
  - (b) for “Articles 30, 31, 32 and 68 for on-the-spot checks of direct payments schemes,” substitute “Articles 32 and 68 for on-the-spot checks of”.
- (55B) Omit Article 70b.”.
- (35) In paragraph (56), after sub-paragraph (d) insert—

- “(e) in paragraph 6—
- (i) omit “aid applications, and/or”;
  - (ii) omit the words from “or, as regards to the applications” to the end.”.
- (36) For paragraph (58) substitute—
- “(58) In Article 73—
- (a) in paragraph 1—
    - (i) for the words from “different schemes listed” to “Member States”, in the first place it occurs, substitute “measures referred to in Article 21(1)(a) and (b) and Articles 28 to 31, 33 and 34 of Regulation (EU) No 1305/2013, the relevant authority”;
    - (ii) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
  - (b) in paragraph 4—
    - (i) in point (a), omit “aid applications or”;
    - (ii) omit point (b) and the preceding “and/or”;
    - (iii) omit the second subparagraph;
  - (c) in paragraph 5, for “Member States” substitute “the relevant authority”.”.
- (37) For paragraph (59) substitute—
- “(59) Omit Article 76.”.

9.—(1) Regulation 6 is amended as follows.

(2) In paragraph (1), after “amended” insert “, for the purposes of common organisation of the markets and rural development measures(15),”.

(3) After paragraph (1) insert—

“(1A) In Article 1, omit points (g) and (m).”.

(4) In paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) in paragraph 1, in the first subparagraph, omit “in Article 4(1) of Regulation (EU) No 1307/2013 and”.”;

(b) in sub-paragraph (a), before paragraph (i) insert—

“(ai) in point (1), omit the words from “a farmer” to “that Regulation,”;

(c) after sub-paragraph (a)(iii), insert—

“(iiia) omit points (13) and (15);

(iiib) in point (16), omit the words from “subject”, in the first place it occurs, to “scheme or”;

(iiic) in point (17), omit “the aid under the animal aid scheme or”;

(iiid) in point (18), omit point (a);”;

(d) for sub-paragraph (a)(iv) substitute—

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(15) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 640/2014 with effect from exit day insofar as it relates to direct payment schemes and the Regulation has subsequently been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.



- “(iv) omit point (20);”;
- (e) after sub-paragraph (a)(iv) insert—
  - “(iva) omit point (22);
  - (ivb) in point (23), omit point (a) and the “or” which follows it;”.
- (5) For paragraph (4) substitute—
  - “(4) In Article 4, in paragraph 1—
    - (a) omit the first subparagraph;
    - (b) in the third subparagraph, for “Member States” substitute “the relevant authority”.”.
- (6) In paragraph (5)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph 1—
      - (i) in the first subparagraph, omit the words from “areas” to “No 1307/2013 and”;
      - (ii) in the second subparagraph, for “Member States” substitute “The relevant authority”.”;
    - (b) in sub-paragraph (b)—
      - (i) after paragraph (ii) insert—
        - “(iia) omit point (a);”;
      - (ii) for paragraphs (iii) and (iv) substitute—
        - “(iii) omit point (c);
        - (iv) in point (d)—
          - (aa) for “2000 areas,” substitute “2000 areas and”;
          - (bb) omit the words from “, agricultural land authorised” to “Article 48 of that Regulation”.”.
- (7) For paragraphs (6) and (7) substitute—
  - “(6) Omit Article 6.
  - (7) Omit Article 7.”.
- (8) In paragraph (8)(b)(ii), before “relevant” omit “the”.
- (9) In paragraph (9), before “relevant” insert “the”.
- (10) After paragraph (9) insert—
  - “(9A) In Article 12—
    - (a) in the first subparagraph—
      - (i) for the words from the beginning to “where” substitute “Where”;
      - (ii) omit point (b);
    - (b) omit the second subparagraph.”.
- (11) For paragraph (12) substitute—
  - “(12) Omit Article 14.”.
- (12) For paragraph (13) substitute—
  - “(13) In Article 16—

- (a) in paragraph 1, in the first subparagraph, omit “area-related direct payments and/or”;
  - (b) omit paragraph 3.”.
- (13) For paragraph (14) substitute—
- “(14) In Article 17—
- (a) in paragraph 1—
    - (i) omit points (a) to (d);
    - (ii) in point (e), omit “aid scheme or”;
  - (b) in paragraph 2—
    - (i) for “an aid application and/or” substitute “a”;
    - (ii) omit “aid scheme or”;
    - (ii) omit “aid schemes or”.”.
- (14) For paragraph (15) substitute—
- “(15) In Article 18—
- (a) omit paragraphs 1 to 4;
  - (b) in paragraph 5—
    - (i) omit “aid applications and/or”;
    - (ii) omit “aid schemes or”;
  - (c) in paragraph 6—
    - (i) omit “aid applications and/or”
    - (ii) omit “aid schemes or”;
    - (iii) omit the words from “the total area declared for payment under the direct” to “No 1307/2013 or”;
  - (d) omit paragraph 7.”.
- (15) After paragraph (15) insert—
- “(15A) In Article 19—
- (a) in paragraph 1, in the first subparagraph, omit “aid schemes or”;
  - (b) omit “aid or” in each place it occurs.”.
- (16) For paragraph (16) substitute—
- “(16) In Article 19a—
- (a) in the heading, omit the words from “the basic” to “small farmers scheme”;
  - (b) in paragraph 1, omit the words from “the aid schemes” to “Regulation (EU) No 1307/2013 and”;
  - (c) in paragraphs 2 and 3, omit “aid scheme or” in both places it occurs.”.
- (17) For paragraph (17) substitute—
- “(17) Omit Articles 20 to 29.”.
- (18) Omit paragraph (18).
- (19) In paragraph (19)—
- (a) before sub-paragraph (a) insert—
    - “(za) in paragraph 1—

- (i) omit “aid or”;
    - (ii) omit “in the aid application or”;
  - (b) in sub-paragraph (a)—
    - (aa) before paragraph (i) insert—
      - “(ai) omit “in the aid application or”;
      - (bi) omit “aid or”;
      - (ci) omit “application or”;
    - (bb) after paragraph (ii) insert—
      - “(iii) omit “applications or”;
  - (c) after sub-paragraph (a) insert—
    - “(aa) in paragraph 3—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “aid or”;
  - (d) after paragraph (b) insert—
    - “(c) in paragraph 4(c), for the words from “other than that” to “aid scheme or” substitute “under the”.
- (20) For paragraph (20) substitute—
  - “(20) In Article 31—
    - (a) in paragraph 1—
      - (i) omit the words from “in respect” to “aid scheme or”, in the first place it occurs;
      - (ii) omit “aid or”;
      - (iii) omit “aid scheme or”;
    - (b) in paragraph 2—
      - (i) omit “aid or”, in each place it occurs;
      - (ii) omit “aid scheme or”, in both places it occurs;
      - (iii) in the fourth subparagraph, for “Member States”, in both places it occurs, substitute “the relevant authority”;
    - (c) in paragraph 3—
      - (i) in the first subparagraph—
        - (aa) omit “animal aid scheme or”, in the first place it occurs;
        - (bb) omit “aid scheme or”, in the second place it occurs;
        - (cc) omit “aid application or”;
      - (ii) in the second subparagraph—
        - (aa) for “Member State” substitute “relevant authority”;
        - (bb) omit the words from “, irrespectively of their status” to the end;
    - (d) in paragraph 4—
      - (i) omit “aid or” in both places it occurs;
      - (ii) for “an aid scheme or” substitute “a”.
- (21) In paragraph (21)—

- (a) after sub-paragraph (a)(ii) insert—
  - “(iii) omit “aid or”.”;
- (b) in sub-paragraph (b)(iii) after “national” insert “legislation”.
- (22) After paragraph (21) insert—
  - “(21A) In Article 34, omit “aid application or”.”.
- (23) For paragraphs (27) to (29) substitute—
  - “(27) Omit Articles 42 to 44.”.

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

**10.**—(1) The Agriculture (Legislative Functions) (EU Exit) Regulations 2019<sup>(16)</sup> are amended as follows.

- (2) In regulation 3—
    - (a) for “point (o)” substitute “point (l)”;
    - (b) for the substituted text substitute—
      - “(m) ‘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:
- (i) in relation to Wales, Senedd Cymru, if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006);
  - (ii) 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);
  - (iii) 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).”.
- (3) In regulation 5, before sub-paragraph (a) insert—
    - “(za) for the heading substitute—
      - “Powers”.”.
  - (4) Omit regulations 7 and 8.
  - (5) For regulation 12 substitute—

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<sup>(16)</sup> S.I. 2019/748, as amended by S.I. 2019/831.

“12. In Article 62—

(a) for the heading substitute—

*“Powers as regards checks”;*

(b) in paragraph 2—

(i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;

(ii) in point (a)—

(aa) for “Member States” substitute “relevant authority”;

(bb) omit the words from “resulting” to the end;

(iii) omit points (e) and (f);

(iv) omit the second subparagraph.”.

(6) In regulation 13, after sub-paragraph (b)(i) insert—

“(ia) in point (b), omit “in respect of unduly allocated payment entitlements and”.”.

(7) In regulation 17—

(a) after sub-paragraph (a)(ii) insert—

“(ia) in point (a), omit the words from “, in addition to those” to the end;”.

(b) after sub-paragraph (b)(i) insert—

“(ia) omit point (b);”.

(8) In regulation 18, after sub-paragraph (a)(i) insert—

“(ia) for “paragraphs 5 and 6” substitute “paragraph 5”.”.

(9) In regulation 19, for sub-paragraph (b) substitute—

“(b) in point (b)—

(i) omit “and applications for payment entitlements,”;

(ii) for the words from “Member” to the end substitute “for the application of simplified procedures or correction of obvious errors”.”.

(10) In regulation 27, in the substituted text—

(a) omit paragraphs 2 and 7 of Article 115A;

(b) omit paragraph 6 of Article 115B;

(c) omit paragraph 6 of Article 115C;

(d) omit paragraph 6 of Article 115D.

(11) Omit Part 3.