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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

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

**PART 3**

Amendment of subordinate legislation

**The Common Agricultural Policy and Agriculture and Horticulture Development Board  
(Amendment etc.) (EU Exit) Regulations 2019**

**11.**—(1) The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019(1) are amended as follows.

- (2) Omit regulation 4.
- (3) In regulation 5—
  - (a) omit paragraph (2)(b);
  - (b) in paragraph (9), omit “direct payments and”;
  - (c) after paragraph (9), insert the following paragraph—

“(10) Omit regulation 36(2).”.
- (4) After regulation 6, insert—

**“Saving provisions**

**7.** The Environmental Stewardship Regulations 2005(2) apply in respect of any programme or activity to which Article 138 of the withdrawal agreement applies as if the amendments made by regulation 2 had not been made.

**8.** The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(3) apply in respect of any programme or activity to which Article 138 of the withdrawal agreement applies as if the amendments made by regulation 5 had not been made and any reference to a Regulation originating from the European Union in those Regulations is to be read as a reference to that Regulation as it has effect in EU law.

**9.** Regulations 1 to 3 of the Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014(4) continue to apply in respect of any programmes or activities to which Article 138 of the withdrawal agreement applies as if the revocation made by regulation 6 had not been made.”.

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(1) [S.I. 2019/733](#).

(2) [S.I. 2005/621](#), amended by [S.I. 2019/733](#); there are other amending instruments but none is relevant.

(3) [S.I. 2014/3263](#), amended by [S.I. 2019/733](#); there are other amending instruments but none is relevant.

(4) [S.I. 2014/3260](#), amended by [S.I. 2019/733](#).

### **The Rural Development (Amendment) (EU Exit) Regulations 2019**

**12.**—(1) The Rural Development (Amendment) (EU Exit) Regulations 2019<sup>(5)</sup> are amended as follows.

(2) In regulations 3(2) and 6(2), for “exit day”, in each place it occurs, substitute “IP completion day”.

(3) In regulation 5, after paragraph (24) insert—

“(24A) In Article 39b—

(a) in paragraph 3—

(i) for “Member States” substitute “The relevant authority”;

(ii) for “Member State” substitute “relevant authority”;

(b) in paragraph 4, omit the second sentence;

(c) in paragraph 6—

(i) for “Member States” substitute “the relevant authority”;

(ii) for “other national or Union support instruments” substitute “Regulation 508/2014 or direct payment support”.

(4) In regulation 6(9), at the end insert as a new sub-paragraph—

“(c) omit paragraph 4.”.

(5) In regulation 7(5), after sub-paragraph (f) insert—

“(fa) in paragraph 6a—

(i) omit “EAFRD” in the first place it occurs;

(ii) for “EAFRD”, in the second place it occurs, substitute “core”;

(6) In regulation 8(2)(b), after paragraph (ii) insert—

“(iii) in point (b) for “accredited” substitute “designated”;

(iv) omit point (c);”.

### **The Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019**

**13.**—(1) The Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019<sup>(6)</sup> are amended as follows.

(2) In regulation 2(10), for “exit day” substitute “IP completion day”.

(3) In regulation 3—

(a) in paragraph (5)(d)(i), after sub-paragraph (bb), insert—

“(cc) for the words from “proposal” to “Commission” substitute “amendment made in response to the COVID-19 crisis is made”;

(b) in paragraph (14), before sub-paragraph (a) insert—

“(za) in paragraph 1, omit point (g);”.

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(5) S.I. 2019/764.

(6) S.I. 2019/770.

### **The European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019**

**14.**—(1) The European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019(7) is amended as follows.

(2) In regulation 4(2), for “exit day”, in each place it occurs, substitute “IP completion day”.

### **The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019**

**15.**—(1) The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019(8) are amended as follows.

(2) In regulation 5, after paragraph (4) insert—

“(4A) In Article 4(b)—

(a) omit “an Implementing Regulation opening”;

(b) after “procedure or” insert “the Regulations”;

(c) for “provides” substitute “provide”.

(4B) Omit Article 5(3)(c).”.

(3) In regulation 6—

(a) in paragraph (10), after sub-paragraph (a), insert—

“(ab) omit “as provided for in Article 3(6)(a) of that Regulation”.”;

(b) for paragraph (25)(a), substitute—

“(a) in paragraph 1—

(i) for “tenders notified in accordance with Article 42” substitute “admissible tenders received within the time limits set down in the published tendering procedure”;

(ii) omit “, as provided for in Article 4(2)(a) of Regulation (EU) No 1370/2013”.”.

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

**16.**—(1) The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019(9) are amended as follows.

(2) In regulation 4, at the end of substituted Article 14, insert as a new subparagraph—

“Regulations under point (b) may provide for the quantitative limitation to be 0.”.

(3) For regulation 6(c) substitute—

“(c) omit paragraph 3.”.

(4) In regulation 39, omit “for the constituent nation in which the regulations apply” in both places it occurs.

(5) In regulation 42—

(a) for paragraph (a) substitute—

“(a) in paragraph 1—

(i) omit “point (a) of”;

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(7) [S.I. 2019/785](#).

(8) [S.I. 2019/823](#).

(9) [S.I. 2019/831](#).

- (ii) after “limitations” insert “(applicable to the United Kingdom as a whole)”;
- (ab) in paragraph 2—
  - (i) for “Article 13(1)” substitute “Article 13”;
  - (ii) omit “and shall be fixed by means of implementing acts”;
- (b) in paragraph (b)—
  - (i) in point (a) of the substituted text, at the beginning insert “where public intervention is carried out by way of tendering,”;
  - (ii) in point (b) of the substituted text, at the beginning insert “where buying-in is carried out at a fixed price,”;
- (c) for paragraph (c) substitute—
  - “(c) in paragraph 4, for “The Commission shall adopt implementing acts” substitute “The appropriate authority may make regulations”;
- (d) for paragraph (e) substitute—
  - “(e) omit paragraph 6.”.
- (6) In regulation 43—
  - (a) for “4” substitute “4(2)”;
  - (b) after sub-paragraph (a) insert—
    - “(ab) omit point (a),”.
- (7) In regulation 58(a)(i)—
  - (a) for “Article 13” substitute “Article 13(2)”;
  - (b) after “2013” insert “or Article 3(2) of Regulation (EU) No 1370/2013”.
- (8) In regulation 60(a), for the substituted wording substitute “Any tendering procedure (where tendering applies) or Regulations”.
- (9) Omit regulation 62.

#### **The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019**

17. In the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019(10), in regulation 5(13)(a), for “laying down” substitute “Article 227”.

#### **The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019**

18. In the Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(11), in regulation 3, omit paragraphs (4)(a) and (5).

#### **The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019**

19. In the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No.2) Regulations 2019(12), in regulation 4(11)(a), in the substituted text, for “marketing” substitute “marking”.

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(10) [SI. 2019/1402.](#)

(11) [S.I. 2019/1405.](#)

(12) [S.I. 2019/1422.](#)

