
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

PART 2

CAP Horizontal Legislation

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

10.—(1) The Agriculture (Legislative Functions) (EU Exit) Regulations 2019⁽¹⁾ 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—

⁽¹⁾ [S.I. 2019/748](#), as amended by [S.I. 2019/831](#).

“(za) for the heading substitute—

“Powers”;”.

(4) Omit regulations 7 and 8.

(5) For regulation 12 substitute—

“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—

“(iia) 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.