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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Waste and Agriculture (Legislative  
Functions) Regulations 2022**

**PART 4**

**Agriculture**

**Amendment of Regulation (EU) No 1306/2013**

**24.** In [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy, insofar as it relates to common organisation of the markets and rural development measures<sup>(1)</sup>, in Article 2(1), after point (l) insert—

- “(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<sup>(2)</sup>);

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(1) EUR 2013/1306. Article 2(1) is amended by [S.I. 2019/748](#), as amended in relation to common organisation of the markets and rural development measures by [S.I. 2019/763](#), 831 and 2020/1445. The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 1306/2013 into domestic law 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 separately. Under Article 138 of the withdrawal agreement and section 7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the Multiannual Financial Framework 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(2) 2006 c. 32. Section 108A was substituted for section 108 by section 3 of the Government of Wales Act 2017 (c. 4) and is amended by section 12(3) of the European Union (Withdrawal) Act 2018, paragraph 2(19) of Schedule 1 to the Senedd and Elections (Wales) Act 2020 (anaw 1) and section 45(2) of the Fisheries Act 2020 (c. 22).

- (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(3));
- (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(4)).”.

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(3) 1998 c. 46. Section 29 is amended by section 9(2) of the Scotland Act 2012 (c. 11) and section 12(1) of the European Union (Withdrawal) Act 2018.

(4) 1998 c. 47. Section 6 is amended by section 12(5) of the European Union (Withdrawal) Act 2018 and paragraph 2 of Schedule 3 to the European Union (Withdrawal Agreement) Act 2020