
STATUTORY INSTRUMENTS

2019 No. 748

EXITING THE EUROPEAN UNION AGRICULTURE

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

Made - - - - 28th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{F1}.

A draft of this instrument was laid before and approved by a resolution of each House of Parliament pursuant to paragraph 1(1) of Schedule 7 to that Act.

F1 [2018 c. 16.](#)

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Agriculture (Legislative Functions) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

PART 2

Financing, Management and Monitoring Amendments

Amendment of Regulation (EU) No 1306/2013

2. Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy is amended in accordance with regulations 3 to 27.

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

PROSPECTIVE

^{F2}3.

- F2** Reg. 3 revoked (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(2), **65**; [2020 c. 1, Sch. 5 para. 1\(1\)](#)

4. In Article 8—

(a) in paragraph 1—

(i) for the words from “Commission” to “Article 111” substitute “ appropriate authority may make regulations ”;

(ii) omit point (a);

(b) omit paragraph 2.

Commencement Information

- I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

5. In Article 15—

[^{F3}(za) for the heading substitute— “ Powers ”;]

(a) for the words from “Commission” to “acts” substitute “ appropriate authority may make regulations ”;

(b) omit the second paragraph.

- F3** Reg. 5(za) inserted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(3)**

Commencement Information

- I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

6. In Article 20, for paragraphs 2 to 4 substitute—

“2. The appropriate authority may make regulations in relation to public intervention expenditure concerning:

- (a) the types of measures eligible for financing and the reimbursement conditions;
- (b) the eligibility conditions and calculation methods based on the information actually observed by the paying agencies or based on flat-rates prescribed in regulations by the appropriate authority, or based on flat-rate or non-flat-rate amounts provided for by the sectoral agricultural legislation.

3. The appropriate authority may make regulations laying down the rules on the valuation of operations in connection with public intervention, the measures to be taken in the case of loss or deterioration of products under the public intervention, and on the determination of the amounts to be financed.”.

Commencement Information

- I5** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

PROSPECTIVE

^{F4}7.

- F4** Reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(4)**

PROSPECTIVE

^{F5}8.

- F5** Reg. 8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(4)**

9. In Article 46, for paragraphs 5 and 6 substitute—

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

“5. The appropriate authority may make regulations laying down specific conditions applying to the information to be booked in the accounts kept by paying agencies.

6. The appropriate authority may make regulations to make provision for the financing of intervention measures in the form of public storage, and other expenditure financed by agricultural support.”.

Commencement Information

I6 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

10. For Article 50(2) substitute—

“2. The appropriate authority may make regulations laying down rules on the conditions on which the supporting documents referred to in Article 49 are to be kept, including their form and the time period of their storage.”.

Commencement Information

I7 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

11. For Article 57 substitute—

“Article 57

Power to make regulations

In order to ensure correct and efficient application of the provisions relating to the conditions for the recovery of undue payments and interest thereon, the appropriate authority may make regulations setting out procedures for such recovery as set out in this Section.”.

Commencement Information

I8 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F6}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.]

F6 Reg. 12 substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(5)**

Commencement Information

I9 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

13. In Article 63—

- (a) in paragraph 4, for the words from “Commission” to “Article 115” substitute “appropriate authority may make regulations”;
- (b) in paragraph 5—
 - (i) for “The Commission shall adopt implementing acts” substitute “The appropriate authority may make regulations”;
 - [^{F7}(ia) in point (b), omit “in respect of unduly allocated payment entitlements and”.]
 - (ii) omit the second subparagraph.

F7 Reg. 13(b)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(6)**

Commencement Information

I10 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

14. In Article 64—

- (a) in paragraph 6—
 - (i) for the words from “Commission” to “Article 115” substitute “appropriate authority may make regulations”;
 - (ii) in point (a), omit “by Member States”;
- (b) in paragraph 7—
 - (i) for “The Commission shall adopt implementing acts” substitute “The appropriate authority may make regulations”;
 - (ii) omit point (c);
 - (iii) omit the second subparagraph.

Commencement Information

I11 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

15. In Article 72(5), for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”.

Commencement Information

I12 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

16. In Article 75(3)—

- (a) for “Commission shall adopt implementing acts” substitute “ appropriate authority may make regulations ”;
- (b) for “implementing acts”, in the second place it occurs, substitute “ regulations ”;
- (c) omit the last sentence.

Commencement Information

I13 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

17. In Article 76—

- (a) in paragraph 1—
 - (i) for “protects the financial interests of the Union” substitute “ ensures proper management of public money ”;
 - (ii) for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”;
 - [^{F8}(ia) in point (a), omit the words from “, in addition to those” to the end;]
 - (iii) in point (b), omit “by the Member States”;
- (b) in paragraph 2—
 - (i) for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”;
 - [^{F9}(ia) omit point (b);]
 - (ii) in point (c), for the words from “such” to “eligible area” substitute “ such rules may allow, in relation to areas under permanent grassland, for scattered landscape features and trees, the total area of which does not exceed a specified percentage of the reference parcel, to be part of the eligible area automatically ”.

- F8** Reg. 17(a)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), [regs. 1\(2\)\(b\)](#), [10\(7\)\(a\)](#)
- F9** Reg. 17(b)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), [regs. 1\(2\)\(b\)](#), [10\(7\)\(b\)](#)

Commencement Information

I14 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

18. In Article 77—

(a) in paragraph 7—

(i) for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”;

[^{F10}(ia) for “paragraphs 5 and 6” substitute “ paragraph 5 ”;]

(ii) omit “by Member States”;

(b) in paragraph 8—

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

(ii) omit the second subparagraph.

F10 Reg. 18(a)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(8)**

Commencement Information

I15 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

19. In Article 78—

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

[^{F11}(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 ”;]

(c) omit the last sentence.

F11 Reg. 19(b) substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(9)**

Commencement Information

I16 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

20. In Article 79(2), for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”.

Commencement Information

I17 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

21. In Article 84(6)—

- (a) in the first sentence—
 - (i) for “Member States in their” substitute “ relevant authority in its ”;
 - (ii) for “Commission” substitute “ relevant accounting officer ”;
- (b) for the last sentence substitute “ In order to take account of economic developments, the appropriate authority may make regulations modifying the threshold. Such regulations may specify the threshold in Sterling. ”.

Commencement Information

I18 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

22. For Article 88 substitute—

“Article 88

Power to make regulations

The appropriate authority may make regulations laying down rules for the uniform application of this Chapter and in particular relating to:

- (a) the performance of the scrutiny referred to in Article 80 as regards the selection of undertakings, rate and the calendar for the scrutiny;
- (b) the conservation of commercial documents and the types of documents to maintain or data to record;
- (c) the responsibilities of the special department referred to in Article 85;
- (d) the content of reports referred to in Article 86.”.

Commencement Information

I19 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

23. In Article 96(4)—

- (a) for “The Commission shall adopt implementing acts” substitute “ The appropriate authority may make regulations ”;
- (b) omit the second subparagraph.

Commencement Information

I20 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

24. In Article 101—

- (a) in the heading, omit “Commission”;
- (b) in paragraph 1—

- (i) for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”;
- (ii) omit point (a);
- (c) in paragraph 2—
 - (i) for “Commission shall adopt implementing acts” substitute “ appropriate authority may make regulations ”;
 - (ii) omit the second subparagraph.

Commencement Information

I21 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

25. In Article 106—

- (a) in paragraph 5, for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”;
- (b) in paragraph 6—
 - (i) omit the words from “by”, in the first place it occurs, to “euro”, in the first place it occurs;
 - (ii) for the words from “Commission” to “Article 115” substitute “ appropriate authority may make regulations ”.

Commencement Information

I22 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

26. In Article 114—

- (a) for “Commission shall adopt implementing acts” substitute “ appropriate authority may make regulations ”;
- (b) omit point (c);
- (c) omit the second subparagraph.

Commencement Information

I23 Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

27. For Article 115 substitute—

“Article 115

Regulations: general

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{F12}.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ^{F13}.
4. Regulations under this Regulation may:
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.

Article 115A

Regulations: the Secretary of State

1. Except as specified in paragraphs 2 to 6, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

^{F14}2.

3. A statutory instrument containing regulations made by the Secretary of State under Article 75(3) must be laid before Parliament after being made.
4. Regulations made by the Secretary of State under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by resolution of each House of Parliament.
5. In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which:
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than 4 days.

6. If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

^{F14}7.

Article 115B

Regulations: the Welsh Ministers

1. Except as specified in paragraphs 2 to 5, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Article 75(3) must be laid before the National Assembly for Wales after being made.

3. Regulations made by the Welsh Ministers under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument containing them is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

4. In calculating the period of 28 days for the purposes of paragraph 3, no account is to be taken of any time during which the National Assembly for Wales:

- (a) is dissolved, or
- (b) in recess for more than 4 days.

5. If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

^{F15}6.

Article 115C

Regulations: the Scottish Ministers

1. Except as specified in paragraphs 2 to 5, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

2. Regulations made by the Scottish Ministers under Article 75(3) must be laid before the Scottish Parliament after being made.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

3. Regulations made by the Scottish Ministers under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

4. In calculating the period of 28 days for the purposes of paragraph 3, no account is to be taken of any time during which the Scottish Parliament is:

- (a) dissolved, or
- (b) in recess for more than 4 days.

5. If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

^{F16}6.

Article 115D

Regulations: Northern Ireland

1. Except as specified in paragraphs 2 to 5, regulations made by the Department of Agriculture, Environment and Rural Affairs (“the Department”) under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 ^{F17} as if they were a statutory instrument within the meaning of that Act.

2. Regulations made by the Department under Article 75(3) must be laid before the Northern Ireland Assembly after being made.

3. Regulations made by the Department under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.

4. In calculating the period of 28 days for the purpose of paragraph 3, no account is to be taken of any time during which the Northern Ireland Assembly is:

- (a) dissolved,
- (b) in recess for more than 4 days, or
- (c) adjourned for more than 6 days.

5. If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.

^{F18}6.”.

- F12** 2010 asp. 10.
- F13** S.I. 1979/1573 (N.I. 12).
- F14** Words in reg. 27 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1445), regs. 1(2)(b), [10\(10\)\(a\)](#)
- F15** Words in reg. 27 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1445), regs. 1(2)(b), [10\(10\)\(b\)](#)
- F16** Words in reg. 27 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1445), regs. 1(2)(b), [10\(10\)\(c\)](#)
- F17** 1954 c. 33 (N.I.). Section 41(6) was amended by [S.I. 1999/663](#).
- F18** Words in reg. 27 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1445), regs. 1(2)(b), [10\(10\)\(d\)](#)

Commencement Information

- I24** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 906/2014

28. Commission Delegated Regulation (EU) No. 906/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure is amended in accordance with regulation 29.

Commencement Information

- I25** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

29. In Article 4(2), for the third subparagraph substitute—

“The appropriate authority may make regulations setting the value of products which have deteriorated or been destroyed, either due to natural disasters or to too long a period of storage as referred to in point 2 of Annex VII to this Regulation.

Regulations made by the Secretary of State or the Welsh Ministers under this paragraph are to be made by statutory instrument.

For regulations made under this paragraph by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this paragraph is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

A statutory instrument containing regulations made by the Secretary of State under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

A statutory instrument containing regulations made by the Welsh Ministers under this paragraph is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

Regulations made by the Scottish Ministers under this paragraph are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010). Regulations made by the Department of Agriculture, Environment and Rural Affairs under this paragraph are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 ^{F19} as if they were a statutory instrument within the meaning of that Act.

Regulations under this paragraph may:

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

Before making any regulations under this Regulation, the appropriate authority must consult:

- (a) such bodies or persons as appear to the authority to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the authority may consider appropriate.”.

F19 1954 c. 33 (NI). Section 41(6) was amended by [S.I. 1999/663](#).

Commencement Information

I26 Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

PART 3

Amendments to Direct Payments Regulations

Amendment of Regulation (EU) No 1307/2013

F20 **30.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **31.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **32.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **33.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **34.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **35.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **36.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **37.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **38.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **39.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

F20 **40.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture
 (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

^{F20}**41.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**42.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**43.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**44.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**45.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**46.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**47.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

^{F20}**48.**

F20 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(b), **10(11)**

PART 4

Amendments to Rural Development Regulations

Amendment of Regulation (EU) No 1305/2013

49. Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development is amended in accordance with regulations 50 to 72.

Commencement Information

I27 Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

50. In Article 2—

(a) in paragraph 1, after point (u) ^{F21} insert—

“(v) ‘appropriate authority’ means—

(i) the relevant authority for the constituent nation in which the regulations apply, or

(ii) the Secretary of State:

(aa) in relation to regulations applying in Scotland, if consent is given by the Scottish Ministers;

(bb) in relation to regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”;

(b) in paragraph 3, for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

F21 Article 2(1) of Regulation (EU) No. 1305/2013 is amended to insert new points by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXXX).

Commencement Information

I28 Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

51. For Article 8(3) substitute—

“**3.** The appropriate authority may make regulations laying down rules for the presentation of the elements described in paragraph 1 in rural development programmes.”.

Commencement Information

I29 Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

52. For Article 11 substitute—

“Article 11

Amendment of rural development programmes

The appropriate authority may make regulations to supplement or amend Commission Implementing Decision C(2015) 855, Commission Implementing Decision C(2015) 3488, Commission Implementing Decision C(2015) 3489 or Commission Implementing Decision C(2015) 6018 as applicable ^{F22} for the purpose of amending programmes concerning one or more of the following:

- (a) a change in the:
 - (i) programme strategy through a change of more than 50% in the quantified target linked to a focus area;
 - (ii) contribution rate of one or more measures;
 - (iii) annual distribution of the contribution at programme level;
- (b) the introduction or withdrawal of measures or other types of operations;
- (c) transfer of funds between measures.”.

F22 The Commission Implementing Decisions listed apply to England, Wales, Scotland and Northern Ireland respectively.

Commencement Information

I30 Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

53. For Article 12 substitute—

“Article 12

Rules on amendments

The appropriate authority may make regulations setting the frequency of amendments that may be made during the programming period.”.

Commencement Information

I31 Reg. 53 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

54. In Article 14—

- (a) in paragraph 5—
 - (i) omit “Union”;
 - (ii) from the words “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (b) in paragraph 6—

- (i) in the first subparagraph, for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;
- (ii) omit the second subparagraph.

Commencement Information

I32 Reg. 54 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

55. In Article 16(5)—

- (a) for “Union law” substitute “statutory requirements”;
- (b) for “Union instruments” substitute “EU-derived domestic legislation or retained direct EU legislation”;
- (c) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (d) omit “Union” in the third place it occurs.

Commencement Information

I33 Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

56. In Article 19(8)—

- (a) for “EAFRD resources” substitute “support for rural development”;
- (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (c) omit “by Member states”.

Commencement Information

I34 Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

57. In Article 22(3), for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.

Commencement Information

I35 Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

58. In Article 28—

- (a) in paragraph 10—

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture
 (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

- (i) omit “Union”;
- (ii) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”;
- (b) in paragraph 11, for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I36 Reg. 58 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

59. In Article 29(6), for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I37 Reg. 59 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

60. In Article 30(8), for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I38 Reg. 60 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

61. In Article 33(4)—

- (a) omit “Union”;
- (b) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I39 Reg. 61 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

62. In Article 34(5)—

- (a) for “EAFRD budgetary resources” substitute “ support for rural development ”;
- (b) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I40 Reg. 62 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

63. In Article 35(10)—

- (a) for “EAFRD budgetary resources” substitute “ support for rural development ”;
- (b) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I41 Reg. 63 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

64. In Article 36(5)—

- (a) for “EAFRD budgetary resource” substitute “ support for rural development ”;
- (b) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I42 Reg. 64 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

65. in Article 41—

- (a) In the first paragraph—
 - (i) for the words from “Commission” to “acts” substitute “ the appropriate authority may make regulations ”;
 - (ii) in point (b), for “Member State” substitute “ Managing Authority ”;
- (b) omit the second paragraph.

Commencement Information

I43 Reg. 65 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

66. In Article 45(6), for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I44 Reg. 66 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

67. In Article 47(6)—

- (a) for “secure the financial interests of the Union” substitute “ proper management of public money ”;
- (b) for the words from “Commission” to “Article 83” substitute “ appropriate authority may make regulations ”.

Commencement Information

I45 Reg. 67 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

68. In Article 58—

- (a) in paragraph 7, for the words from “Commission” to “Article 83” substitute “ Secretary of State may make regulations ”;
- (b) after paragraph 7 insert—

“**7A.** The Secretary of State may not make regulations under paragraph 7 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.

Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 7, the Secretary of State must have regard to that request.”.

Commencement Information

I46 Reg. 68 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

69. For Article 67 substitute—

“Article 67

Monitoring and evaluation system

The appropriate authority may make regulations setting out a monitoring and evaluation system.”.

Commencement Information

I47 Reg. 69 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

70. In Article 75(5)—

- (a) for the words from “Commission” to “acts” substitute “ appropriate authority may make regulations ”;
- (b) omit the last sentence.

Commencement Information

I48 Reg. 70 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

71. For Article 76(1) substitute—

“**1.** The appropriate authority may make regulations establishing the minimum requirements for the evaluation plan referred to in Article 56 of Regulation (EU) No. 1303/2013.”.

Commencement Information

I49 Reg. 71 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

72. For Articles 83 and 84 substitute—

*“Article 83
Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

4. Regulations under this Regulation may:

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

5. Before making any regulations under this Regulation, the person or Department making the regulations must consult:

- (a) such bodies or persons as appear to the person or Department to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the person or Department may consider appropriate.

Article 84

Regulations: parliamentary procedure

1. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

2. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

3. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

4. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.”.

Commencement Information

I50 Reg. 72 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation (EU) No 1303/2013

73. Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 ^{F23} is amended in accordance with regulations 74 to 86.

F23 S.I. 2019/XXX

Commencement Information

I51 Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

74. In Article 2 ^{F24}, at the end insert—

“(47) ‘appropriate authority’ means:

^{F25}(a)

(b) in relation to regulations which relate to rural development:

(i) subject to point (ii):

(aa) insofar as the regulations apply in England, the Secretary of State;

(bb) insofar as the regulations apply in Wales, the Welsh Ministers;

(cc) insofar as the regulations apply in Scotland, the Scottish Ministers;

(dd) insofar as the regulations apply in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs, or

(ii) the Secretary of State:

(aa) for regulations applying in Scotland, if consent is given by the Scottish Ministers;

(bb) for regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.

^{F26}(48)”.

F24 The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXXX) amend Article 2 of Regulation (EU) No. 1303/2013 to insert new subparagraphs (including a definition of “relevant authority”).

F25 Words in reg. 74 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), [14\(a\)](#)

F26 Words in reg. 74 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), [14\(b\)](#)

Commencement Information

I52 Reg. 74 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

75. Omit Article 5(3).

Commencement Information

I53 Reg. 75 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

76. In Article 8, for the third paragraph substitute—

“The appropriate authority may make regulations setting out uniform conditions for support for rural development for the application of the methodology referred to in the second paragraph.”.

Commencement Information

I54 Reg. 76 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

77. For Article 37(13) substitute—

“13. The appropriate authority may make regulations in relation to support for rural development laying down additional specific rules on the purchase of land and on combining technical support with financial instruments.”.

Commencement Information

I55 Reg. 77 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

78. In Article 38—

- (a) in paragraph 3, in the second subparagraph—
 - (i) for “Commission shall adopt implementing acts” substitute “ appropriate authority may make regulations in relation to support for rural development ”;
 - (ii) omit the second sentence;
- (b) in paragraph 4, omit the final subparagraph;
- (c) in paragraph 10—
 - (i) for “The Commission shall adopt implementing acts” substitute “ The appropriate authority may make regulations in relation to support for rural development ”;
 - (ii) omit the second sentence.

Commencement Information

I56 Reg. 78 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

79. In Article 41(3), for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations in relation to support for rural development ”.

Commencement Information

I57 Reg. 79 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

80. In Article 42—

- (a) in paragraph 1, in the second subparagraph, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations in relation to support for rural development ”;
- (b) in paragraph 5, for “the delegated act referred to in” substitute “ legislation made under ”;
- (c) in paragraph 6, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations in relation to support for rural development.

Commencement Information

I58 Reg. 80 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

81. In Article 61(3)—

- (a) in the second subparagraph, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”;
- (b) omit the third subparagraph;
- (c) in the fourth subparagraph—
 - (i) for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”;
 - (ii) for “supported by the ESI funds” substitute “ funded by support for rural development ”;
- (d) in the sixth subparagraph, for the words from “the adoption” to “subparagraphs” substitute “ legislation in accordance with the fourth subparagraph ”;
- (e) in the seventh subparagraph, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”.

Commencement Information

I59 Reg. 81 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

82. In Article 63—

- (a) in paragraph 4, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”;
- (b) in paragraph 5, for “a delegated act adopted” substitute “ regulations made ”.

Commencement Information

I60 Reg. 82 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

83. In Article 64(4), for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”.

Commencement Information

I61 Reg. 83 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

84. In Article 67—

- (a) in paragraph 1(e), for “the delegated act adopted in accordance with” substitute “ legislation made under ”;
- (b) in paragraph 5a, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”.

Commencement Information

I62 Reg. 84 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

85. In Article 68, in the second subparagraph, for the words from “Commission” to “Article 149” substitute “ appropriate authority may make regulations ”.

Commencement Information

I63 Reg. 85 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

86. For Articles 149 and 150 substitute—

“Article 149

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

8. Regulations under this Regulation may:

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation, the person or Department making the regulations must consult:

- (a) such bodies or persons as appear to the person or Department to be representative of the interests likely to be substantially affected by the regulations, and
- (b) such other bodies or persons as the person or Department may consider appropriate.”.

Commencement Information

I64 Reg. 86 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Department for Environment, Food and Rural
Affairs

Robert Goodwill
Minister of State

Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by 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)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

They make amendments to legislation in the field of the common agricultural policy, providing for functions of EU entities of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom.

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

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Agriculture (Legislative Functions) (EU Exit) Regulations 2019.