

2020 No. 463

AGRICULTURE

**The Direct Payments to Farmers (Legislative Continuity) Act
2020 (Consequential Amendments) Regulations 2020**

<i>Made</i> - - - -	<i>27th April 2020</i>
<i>Laid before Parliament</i>	<i>28th April 2020</i>
<i>Coming into force</i> - -	<i>30th April 2020</i>

The Secretary of State, in exercise of the powers conferred by section 6(1) of the Direct Payments to Farmers (Legislative Continuity) Act 2020(a), makes the following Regulations.

In accordance with section 6(5) of the Direct Payments to Farmers (Legislative Continuity) Act 2020, the Secretary of State has obtained consent from the Scottish Ministers, Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 and come into force on 30th April 2020.

(2) Any provision of these Regulations which amends an enactment has the same extent as the enactment amended.

Amendment of the Interpretation Act 1978

2.—(1) The Interpretation Act 1978(b) is amended as follows.

(2) In section 21(1), after “any Act” (but before the words to be inserted at the same place by paragraph 19 of Schedule 8 to the European Union (Withdrawal) Act 2018)(c) insert “or made or to be made on or after exit day under retained direct EU CAP legislation as defined in section 2 of the Direct Payments to Farmers (Legislative Continuity) Act 2020”.

(3) In section 23ZA(4)(a)—

- (a) in sub-paragraph (i), omit “or”;
- (b) after that sub-paragraph insert—

(a) 2020 c. 2.

(b) 1978 c. 30. Section 21(1) is amended by paragraph 19 of Schedule 8 to the European Union (Withdrawal) Act 2018 and paragraph 10 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1). Section 23ZA was inserted by paragraph 20 of Schedule 8 to the European Union (Withdrawal) Act 2018 and amended by paragraph 11 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(c) 2018 c. 16.

“(ia)any instrument made on or after exit day under retained direct EU CAP legislation as defined in section 2 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, or”;

(c) in sub-paragraph (ii), after “instrument” insert “, not falling within sub-paragraph (ia),”

Amendment of the Statutory Instruments Act 1946

3. In the Statutory Instruments Act 1946(a), in section 11B(2), after “2018” insert “or the Direct Payments to Farmers (Legislative Continuity) Act 2020”.

Amendment of the Legislation (Wales) Act 2019

4. In section 24(1)(b) of the Legislation (Wales) Act 2019 (anaw 4)—

(a) in the English language text, after “(c. 16)” insert “or section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2)”;

(b) in the Welsh language text, after “(p. 16)” insert “neu adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2)”.

Amendment of the Interpretation and Legislative Reform (Scotland) Act 2010

5.—(1) The Interpretation and Legislative Reform (Scotland) Act 2010(b) is amended as follows.

(2) In section 1(1)—

(a) in paragraph (ba), omit the “and” following that paragraph;

(b) after paragraph (ba), insert—

“(bb) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (e) or (f) of the definition of “Scottish instrument” in subsection (4), and”.

(3) In section 1(4)—

(a) omit the “or” following paragraph (c);

(b) after paragraph (d), insert—

“(e) an Act of the Scottish Parliament (whenever passed) and any retained direct EU CAP legislation (within the meaning of section 2(10) of the Direct Payments to Farmers (Legislative Continuity) Act 2020) (whenever made), or

(f) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any retained direct EU CAP legislation (within the meaning of section 2(10) of the Direct Payments to Farmers (Legislative Continuity) Act 2020) (whenever made).”.

(4) In section 55(2B)(d), in the entry for “retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation”, at the end insert “and each of those definitions is to be read as including the legislation treated by paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020 as falling within the corresponding definition in Schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (see paragraphs (a), (d), (c) and (b) respectively of that paragraph 7).”.

(a) 1946 c. 36. Section 11B was inserted by S.I. 2018/1242.

(b) 2010 asp 10. Section 1 is amended by paragraph 32 of schedule 8 to the European Union (Withdrawal) Act 2018 and paragraph 33 of schedule 5 to the European Union (Withdrawal Agreement) Act 2020. Section 55 is amended by S.I. 2019/628.

Amendment of the Interpretation Act (Northern Ireland) 1954

6.—(1) The Interpretation Act (Northern Ireland) 1954(a) is amended as follows.

(2) In section 1, in paragraph (f)—

- (a) the words from “a statute or instrument” to the end become sub-paragraph (i) of that paragraph;
- (b) at the end of that sub-paragraph insert “; or”;
- (c) after that sub-paragraph, insert—

“(ii) any legislation which forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 for the time being in force in Northern Ireland”.

Amendment of the Statutory Rules (Northern Ireland) Order 1979

7. In the Statutory Rules (Northern Ireland) Order 1979(b), in article 4(a), after sub-paragraph (vi) insert—

- “(vii) any legislation referred to in paragraph 7(b) of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;
- (viii) any regulations made under the Direct Payments to Farmers (Legislative Continuity) Act 2020, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;”.

Amendment of the European Union (Withdrawal) Act 2018

8. In Schedule 8 to the European Union (Withdrawal) Act 2018, in paragraph 19, after “EU legislation” insert “other than retained direct EU CAP legislation as so defined”.

Amendment of the European Union (Withdrawal Agreement) Act 2020

9. In Schedule 5 to the European Union (Withdrawal Agreement) Act 2020(c), in paragraph 10, after “day”, in each place it occurs, insert “under any retained direct EU legislation”.

Amendment of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019

10.—(1) The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019(d) are amended as follows.

(2) In regulation 2(2)—

- (a) in paragraph (c), after “section 3 of the Act” insert “or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020”;
- (b) at the end insert “or section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, as the case may be”.

(3) In regulation 2(6)(a), after “section 3 of the Act”, insert “or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.”.

(4) In regulation 3(2), in subsection (3) of the inserted text, at the end insert “or section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020”.

(a) 1954 (c. 33) N.I.

(b) S.I. 1979/1573 (N.I. 12), amended by S.I. 2018/1242.

(c) 2020 c. 1.

(d) S.I. 2019/628.

(5) In regulation 4(3), in subsection (3) of the inserted text, at the end insert “or section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020”.

(6) In regulation 5(1)—

(a) omit paragraph (a);

(b) in paragraph (b) for “that sub-paragraph” substitute “sub-paragraph (ii)”;

(c) for paragraph (c) substitute—

“(c) after sub-paragraph (ii) insert—

“(iii) any retained direct EU legislation not falling within sub-paragraph (ii) for the time being in force in Northern Ireland;”.

(7) In regulation 8(1), after “legislation” insert “, or legislation referred to in paragraph 7(b) of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020,”.

Victoria Prentis

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

27th April 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the Interpretation Act 1978 (c. 30), the Statutory Instruments Act 1946 (c. 36), the Legislation (Wales) Act 2019 (anaw 4), the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), the Interpretation Act (Northern Ireland) 1954 (c.33) N.I., the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)), the European Union (Withdrawal) Act 2018 (c. 16), the European Union (Withdrawal Agreement) Act 2020 (c. 1) and the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 (S.I. 2019/628) to ensure that the Direct Payments to Farmers (Legislative Continuity) Act 2020 and EU legislation incorporated into domestic law under that Act is treated in the same way as EU legislation incorporated into domestic law under the European Union (Withdrawal) Act 2018.

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