

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment Etc.) (EU Exit) Regulations 2018**

*Laid in the UK Parliament: 21 November 2018*

#### **Sifting**

|  |                     |
|--|---------------------|
| Subject to sifting in UK Parliament?   | Yes                 |
| Procedure:   | Proposed negative   |
| Date of consideration by the House of Commons European Statutory Instruments Committee | 4 December 2018     |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee   | w/c 3 December 2018 |
| Date sifting period ends in UK Parliament  | 6 December 2018     |
| Written statement under SO 30C:  | Paper xx            |
| SICM under SO 30A (because amends primary legislation)                                 | Not required        |

#### **Scrutiny procedure**

|  |                         |
|--|-------------------------|
| Outcome of sifting   | Not known               |
| Procedure  | Negative or Affirmative |
| Date of consideration by the Joint Committee on Statutory Instruments                | Not known               |
| Date of consideration by the House of Commons Statutory Instruments Committee        | Not known               |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee | Not known               |

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations amend three separate domestic regulations (two relating to England only), and revoke one, relating to the implementation of the European Union Common Agricultural Policy (“**CAP**”), and also amends one Order concerning the Agriculture and Horticulture Development Board, in order to ensure continued operability of the legislation following the UK’s departure from the European Union. Insofar as these Regulations concern Wales, the Regulations:

- amend the Agriculture and Horticulture Development Board Order 2008, to make technical changes and also to remove the AHDB red meat levy on animals imported from the rest of the world for short

term slaughter. This is to ensure equal treatment between the EU and the rest of the world following EU Exit;

- amend the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 to make a number of technical changes such as amending references to European funds that the UK will not be able to access after EU Exit, removing the rights of representatives of the European Commission to enter premises, and other minor amendments; and
- revoke the Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014, which will be redundant following EU Exit.

The explanatory memorandum to these Regulations note that the Regulations are necessary to ensure that CAP scheme recipients continue to be paid following EU Exit.

Legal Advisers agree with the statement laid by the Welsh Government dated 26 November 2018 regarding the effect of these Regulations. The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.