

UK MINISTERS ACTING IN DEVOLVED AREAS

The Rural Development (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 29 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	11 December 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	w/c 10 December 2018
Date sifting period ends in UK Parliament	18 December 2018
Written statement under SO 30C:	Paper 35
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 (together with The Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2018) amend a series of EU regulations and implementing decisions applying to programmes currently funded by the European Agricultural Fund for Rural Development (EAFRD), to enable the UK's Rural Development Programmes for 2014-2020 to continue to operate in the event of a no deal scenario on the UK's exit from the European Union.

The amendments will correct deficiencies in retained EU law arising from the UK's exit from the EU and ensure that payments can continue to be made to beneficiaries under these programmes using domestic funding.

Legal Advisers make the following comments in relation to the Welsh Government's statement dated 3 December 2018 regarding the effect of these Regulations:

1. The statement confirms that the title of these Regulations is "The Rural Development (EU Exit) (Amendment) Regulations 2018. The correct title of the Regulations is "The Rural Development (Amendment) (EU Exit) Regulations 2018".
2. The statement indicates that these Regulations amend Council Directive 129/2007. However neither the Regulations or the explanatory memorandum to the Regulations appear to refer to this Directive (and we have been unable to trace a Directive bearing this reference). We would therefore welcome clarification from the Welsh Government on this point.

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.