

UK MINISTERS ACTING IN DEVOLVED AREAS

159 - Creative Europe Programme and Europe for Citizens Programme (Revocation) (EU Exit) Regulations 2019

Laid in the UK Parliament: 8 February 2019

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	26 February 2019
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	18 February 2019
Date sifting period ends in UK Parliament	26 February 2019
Written statement under SO 30C:	Paper 24
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Negative
Procedure	Negative
Date of consideration by the Joint Committee on Statutory Instruments	24 April 2019
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	18 March 2019

Commentary

These Regulations were made by the UK Government under section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The Regulations revoke EU legislation that would form part of retained EU law on exit day relating to the Creative Europe Programme and Europe for Citizens Programme.

The Creative Europe Programme is the European Union's financial support programme for the audio-visual and cultural industries. It supports training, project development and the distribution and promotion of European audio-visual and cultural works.

The Europe for Citizens Programme funds projects that promote understanding between the European Union and its citizens, deepening

awareness of what it means to be European and developing a sense of European identity.

Legal Advisers agree with the statement laid by the Welsh Government dated 29 October 2019 regarding the effect of these Regulations.

We note the explanation provided in the written statement about funding for Welsh participants in Creative Europe and Europe for Citizens programmes, in the event that the UK leaves the EU without a deal. We note that the UK Government would provide such funding under the terms of an agency arrangement entered into by the Welsh Government and the UK Government (under section 83 of the Government of Wales Act 2006).

We also note the transparent explanation provided in the written statement as to how the Regulations were made without the knowledge, or the consent, of the Welsh Government.

We acknowledge the explanation that this was an unintended breach of the Intergovernmental Agreement by the UK Government, and that the Welsh Government has since given consent after the event to the Regulations, on the basis that, in its view, there is no impact on the powers of either the Assembly or the Welsh Ministers, and that the matter can be dealt with via the agency agreement mentioned above.

However, we note that it appears that the Welsh Government became aware of the breach of the Intergovernmental Agreement sometime between March and 16 July 2019, on which date the Secretary of State wrote to the Deputy Minister. It is unclear why the National Assembly was not notified of the breach until 29 October 2019.