

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 106 - The Market Measures Payment Schemes (Amendments) (EU Exit) Regulations 2019

*Laid in the UK Parliament: 13 February 2019*

#### **Sifting**

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 33
SICM under SO 30A (because amends primary legislation)	Not required

#### **Scrutiny procedure**

Outcome of sifting	N/A
Procedure	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	W/C 25/02/2019

#### **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 are part of a suite of instruments which together amend the retained EU legislation providing rules for the functioning and administration of the Common Organisation of Agricultural Markets and the Agri-Promotion scheme.

The instruments make predominantly technical changes to the retained EU legislation to ensure that it continues to function correctly after the UK has left the EU.

Legal Advisers make the following comments in relation to the Welsh Government's statement dated 15 February 2019 regarding the effect of these Regulations:

1. The Welsh Government has stated the following in its written statement:

"Functions transferred to the Secretary of State to be exercised concurrently with the consent of the Welsh Ministers, constitute functions of a Minister of the Crown that relate to a qualified devolved function for the purposes Schedule 7B to the Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas."

2. The Welsh Government's statement does not identify which functions in this instrument may be exercised by the Secretary of State "concurrently" with the consent of the Welsh Ministers. Legal Advisers therefore recommend that clarification is sought on which functions are to be exercised concurrently and why they are content for the Assembly's competence to be limited in the future in this regard.

3. In relation to the drafting of the Welsh Government's written statement, Legal Advisers note that the statement refers to the title of these Regulations being the "Market Measures Payment Schemes (Amendments) (EU Exit) Regulations 2019". However, the correct title is the "Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019". "Amendment" is singular.

Save for the points mentioned above, the above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

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.