

Status: Point in time view as at 29/06/2023.

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SCHEDULES

SCHEDULE 1

Section 6

CONSEQUENTIAL PROVISION

Existing ambulatory references to EU legislation becoming part of domestic law under section 1

- 1 (1) Any reference which, immediately before exit day—
- (a) exists in—
 - (i) any enactment,
 - (ii) any provision of EU legislation listed in section 1(3) that is to form part of domestic law by virtue of section 1(1), or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any provision of EU legislation listed in section 1(3) that forms part of domestic law by virtue of section 1(1),
- is to be read, on and after exit day, as a reference to the EU provision as it forms part of domestic law by virtue of section 1(1) and, unless the contrary intention appears, as modified by domestic law from time to time.
- (2) Sub-paragraph (1) is subject to any other provision made by or under this Act or any other enactment.

Disapplication in relation to EU legislation becoming part of domestic law under section 1 of other provision relating to ambulatory references

- 2 Paragraph 2 of Schedule 8 to the European Union (Withdrawal) Act 2018 (interpretation of ambulatory references) does not apply to a reference to any EU legislation listed in section 1(3) that forms part of domestic law by virtue of section 1(1).

Meaning of “retained EU law” etc

- 3 In Schedule 1 to the Interpretation Act 1978, 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 “ (see also paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020) ”.
- 4 In schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010, 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 “ (see also paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020) ”.
- 5 In Schedule 1 to the Legislation (Wales) Act 2019 (anaw 4)—

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- (a) in the English language text, in the entries for “retained direct EU legislation (deddfwriaeth uniongyrchol UE a ddargedwir)”, “retained direct minor EU legislation (mân ddeddfwriaeth uniongyrchol UE a ddargedwir) and retained direct principal EU legislation (prif ddeddfwriaeth uniongyrchol UE a ddargwediwr)” and “retained EU law (cyfraith UE a ddargedwir)” at the end insert—

“(see also paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020)”, and

- (b) in the Welsh language text, in the entries for “deddfwriaeth uniongyrchol UE a ddargedwir (retained direct EU legislation)”, “mân ddeddfwriaeth uniongyrchol UE a ddargedwir (retained direct minor EU legislation) a prif ddeddfwriaeth uniongyrchol UE a ddargwediwr (retained direct principal EU legislation)” and “cyfraith UE a ddargedwir (retained EU law)” at the end insert—

“(gweler hefyd paragraff 7 of Atodlen 1 i Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020)”.

- 6 In section 44A of the Interpretation Act (Northern Ireland) 1954, 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 “(see also paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020) ”.

- 7 For the purposes of the definitions amended by paragraphs 3 to 6—

- (a) EU legislation that forms part of domestic law by virtue of section 1(1) (as that body of law is added to or otherwise modified by domestic law from time to time) is to be treated as retained EU law,
- (b) EU legislation that forms part of domestic law by virtue of section 1(1) (as modified by domestic law from time to time and including any instruments made under it on or after exit day) is to be treated as retained direct EU legislation,
- (c) EU legislation listed in section 1(3)(a) and (d)(i) that forms part of domestic law by virtue of section 1(1) (as modified by domestic law from time to time) is to be treated as retained direct principal EU legislation, and
- (d) EU legislation that—
- (i) forms part of domestic law by virtue of section 1(1) (as modified by domestic law from time to time and including any instruments made under it on or after exit day), but
- (ii) is not treated as retained direct principal EU legislation by virtue of paragraph (c),

is to be treated as retained direct minor EU legislation.

- 8 Nothing in paragraph 3 or 7 affects the meaning in the European Union (Withdrawal) Act 2018 of the terms mentioned in paragraph 3.

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SCHEDULE 2

Section 7

REGULATIONS UNDER THIS ACT

Procedure for making regulations under this Act

- 1 A power to make regulations under this Act—
- (a) so far as exercisable by the Secretary of State or the Welsh Ministers, is exercisable by statutory instrument, and
 - (b) so far as exercisable by DAERA, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573) (NI 12) (and not by statutory instrument).

Scrutiny of regulations under section 3

- 2 (1) Regulations under section 3(1)(a) or (3)(a) are subject to made affirmative resolution procedure.
- (2) Regulations under section 3(1)(b), (3)(b) or (4) are subject to affirmative resolution procedure.

Scrutiny of regulations under section 6(1)

- 3 Regulations under section 6(1) are subject to negative resolution procedure.

Regulations subject to made affirmative resolution procedure

- 4 Where regulations under this Act are subject to made affirmative resolution procedure—
- (a) if made by the Secretary of State—
 - (i) the statutory instrument containing the regulations must be laid before Parliament after being made, and
 - (ii) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of each House of Parliament;
 - (b) if made by the Scottish Ministers—
 - (i) the regulations must be laid before the Scottish Parliament after being made, and
 - (ii) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which they are made, unless within that period the regulations are approved by a resolution of the Scottish Parliament;
 - (c) if made by the Welsh Ministers—
 - (i) the statutory instrument containing the regulations must be laid before the National Assembly for Wales after being made, and
 - (ii) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of the National Assembly for Wales;
 - (d) if made by DAERA—

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- (i) the regulations must be laid before the Northern Ireland Assembly after being made, and
- (ii) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which they are made, unless within that period the regulations are approved by a resolution of the Northern Ireland Assembly.
- 5 In calculating the period of 28 days for the purpose of paragraph 4(a), no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or
- (b) either House of Parliament is adjourned for more than 4 days.
- 6 In calculating the period of 28 days for the purpose of paragraph 4(b) or (c), no account is to be taken of any time during which the Scottish Parliament or the National Assembly for Wales, as the case may be, is—
- (a) dissolved, or
- (b) in recess for more than 4 days.
- 7 In calculating the period of 28 days for the purpose of paragraph 4(d), no account is to be taken of any time during which the Northern Ireland Assembly is—
- (a) dissolved,
- (b) in recess for more than 4 days, or
- (c) adjourned for more than 6 days.
- 8 Where regulations cease to have effect as a result of paragraph 4, that does not—
- (a) affect the validity of anything previously done under the regulations, or
- (b) prevent the making of new regulations.

Regulations subject to affirmative resolution procedure

- 9 Where regulations under this Act are subject to affirmative resolution procedure, the regulations—
- (a) if to be made by the Secretary of State, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
- (b) if to be made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
- (c) if to be made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the National Assembly for Wales;
- (d) if to be made by DAERA, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Regulations subject to negative resolution procedure

- 10 Where regulations under this Act are subject to negative resolution procedure—
- (a) if made by the Secretary of State, the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament;

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- (b) if made by the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010);
- (c) if made by the Welsh Ministers, the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of the National Assembly for Wales;
- (d) if made by DAERA, the regulations are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

Combination of regulations

- 11 Any provision that may be made by regulations under this Act subject to negative resolution procedure may be made by regulations subject to affirmative resolution procedure or made affirmative resolution procedure.

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