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The Rt. Hon. Baroness Taylor of Bolton
Select Committee on the Constitution
House of Lords
London
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JD
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Dear Ann,

Thank you for your letter of 5 February about the Direct Payments to Farmers (Legislative Continuity) Act 2020.

This was a vital piece of legislation needed to ensure continuity for UK farmers after the UK left the EU. The need for the legislation arose from the Withdrawal Agreement, and it was introduced to Parliament following the introduction of the European Union (Withdrawal Agreement) Bill. It could not have been introduced sooner.

I explained in the Second Reading debate on the Direct Payments to Farmers (Legislative Continuity) Bill why this time-sensitive legislation needed to be in place on the day that the UK left the EU. The Direct Payments to Farmers (Legislative Continuity) Act 2020 needed to be in force by exit day as that is when, in accordance with Article 137 of the Withdrawal Agreement, the EU legislation governing Direct Payments for claim year 2020 stopped having legal effect in the UK. The 2020 claim year began on 1 January 2020 and continues throughout the calendar year.

Without this Act, after EU exit the UK Government and devolved administrations would not have been able to continue to operate the existing 2020 schemes and make payments to farmers. The Government has committed nearly £3 billion to fund these schemes across the UK and farmers have planned on the basis that the 2020 schemes will continue to run and that they will receive their payments. Having this Act, which primarily maintains the status quo, in place by 31 January was therefore important in avoiding any disruption to the agricultural sector after EU exit. The parliamentary timetable for scrutinising the Bill achieved this.

We note your comments about the need to include a specific section in the Explanatory Notes where Bills are fast-tracked under normal circumstances and will raise awareness of this requirement within my Department with regards to practices for future legislation.

As you will be aware, the Queen's Speech sets out the programme of legislation that the Government proposes to pursue in the forthcoming parliamentary session, but cannot be fully exhaustive in its content or able to cover the full detail of all commitments referred to. Whilst the Queen's Speech did not specifically list the Direct Payments to Farmers (Legislative Continuity) Bill, it did set out the Government's intention to prioritise and bring forward legislation to deliver the United Kingdom's departure from the European Union on 31 January. This Bill formed part of that suite of legislation.

I hope this explanation has been helpful.

Yours sincerely,
John