**EXPLANATORY MEMORANDUM TO**

**THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS COMMON PROVISIONS (AMENDMENT) (EU EXIT) REGULATIONS 2019**

**2019 No. [XXXX]**

## 1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("DEFRA") and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

## 2. Purpose of the instrument

2.1 This instrument amends Regulation (EU) No 1303/2013 of the European Parliament and the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ("Regulation 1303/2013"), to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014 in order to correct deficiencies created by the United Kingdom ("UK") leaving the European Union ("EU").

2.2 "Support for rural development" means financial support granted under Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ("Regulation 1305/2013") or Regulation 1303/2013.

2.3 "Support under Regulation (EU) No 508/2014" means financial support granted under Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ("Regulation 508/2014").

2.4 Regulation 1305/2013 is the fund-specific regulation for the European Agricultural Fund for Rural Development ("EAFRD") and Regulation 508/2014 is the fund-specific regulation for the European Maritime and Fisheries Fund ("EMFF"). Further information on fund-specific regulations and how they interact with Regulation 1303/2013 is provided in paragraphs 6.6 and 6.7.

2.5 This will ensure that the UK programmes currently supported by a combination of Exchequer funding and funding from the EAFRD or the EMFF will be able to continue to operate effectively until their closure after the end of the 2014 to 2020 programming period. Payments will be able to be made to beneficiaries using domestic funding under HM Government's funding guarantee in the event of a non-negotiated UK withdrawal from the EU.

2.6 Regulation 1303/2013, insofar as it applies to the European Regional Development Fund ("ERDF"), the European Social Fund ("ESF") and the Cohesion Fund, is being addressed in a separate instrument prepared by the Department for Business, Energy and Industrial Strategy: the European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) Regulations 2019.

2.7 This instrument also amends the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014. It amends the definition of the "Common Provisions Regulation" so that it refers to Regulation 1303/2013, as amended by this instrument.

***Explanations***

*What did any relevant EU law do before exit day?*

2.8 Regulation 1303/2013 laid down the common rules, principles and standards applicable to the ERDF, the ESF, the Cohesion Fund, the EAFRD and the EMFF, which operated under a common framework as the European Structural and Investment Funds ("ESI Funds"), for the 2014 to 2020 programming period.

2.9 It set out the provisions necessary to enable coordination between the ESI Funds, financing arrangements, and how the management of the ESI Funds would be shared by the European Commission and a Member State through the development of a country-specific partnership agreement; it defined the tasks, priority objectives and organisation of the ESI Funds; it introduced "conditionalities", requirements to ensure that the necessary means to make effective use of the ESI Funds were in place; and it imposed responsibilities on delivery bodies.

2.10 Each ESI Fund was also governed by fund-specific regulations, which set out additional rules and requirements. Further information on how these are being addressed is given in paragraphs 6.3, 6.6 and 6.7 of this Explanatory Memorandum.

*Why is it being changed?*

2.11 In the event of a non-negotiated withdrawal of the UK from the EU, Regulation 1303/2013 will contain inoperable provisions and other deficiencies, which will have implications for the ongoing management of the programmes, including making payments to beneficiaries.

*What will it now do?*

2.12 Regulation 1303/2013 will continue to apply to activities and funding provided under the rural development and maritime and fisheries programmes. This includes the tasks, priority objectives, financing arrangements, conditionalities and the overarching responsibilities of the managing authorities (i.e. the bodies responsible for delivering each of the programmes run under these funds).

2.13 Together with the fund-specific regulations for the EAFRD and the EMFF, outlined in paragraphs 6.6 and 6.7 of this Explanatory Memorandum, this will ensure that the programmes currently supported by the EAFRD and the EMFF will be able to continue to operate effectively until their closure after the end of the 2014 to 2020 programming period. It will also ensure that payments can be made to beneficiaries using domestic funding under HM Government's funding guarantee for projects signed up to during this time.

2.14 The appropriate legislative amendments introduced by these instruments will maintain a status quo position as far as possible. They ensure the continuation of programmes currently funded by the EAFRD and the EMFF in a domestic framework and remove obligations towards the European Commission that will be redundant following the UK's withdrawal from the EU.

## 3. Matters of special interest to Parliament

***Matters of special interest to the Joint Committee on Statutory Instruments***

3.1 The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018 were presented to the Sifting Committees on 29 November 2018. Both committees provided their responses on 13 December 2018 and recommended that this instrument should be debated in Parliament. The reports are available on gov.uk.

3.2 The Commons Sifting Committee made this recommendation because it believes that the issue of future funding of programmes is important.

3.3 The Lords Sifting Committee made this recommendation to allow the House an opportunity to press the Minister for a fuller explanation of their purpose and effect.

3.4 Consequently, George Eustice MP, Minister of State for Agriculture, Fisheries and Food, has agreed for this instrument to be made subject to the affirmative procedure.

***Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)***

3.5 The territorial application of this instrument includes Scotland and Northern Ireland.

3.6 This instrument applies to all of the United Kingdom.

## 4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

## 5. European Convention on Human Rights

5.1 George Eustice MP has made the following statement regarding Human Rights:

"In my view the provisions of the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 are compatible with the Convention rights."

## 6. Legislative Context

6.1 This instrument is being made to amend Regulation 1303/2013, to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014. This is in order to address operability issues created by the UK's withdrawal from the EU.

6.2 It also amends the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 to make cross-references to Regulation 1303/2013 in it operable. It amends the definition of the "Common Provisions Regulation" so that it refers to Regulation 1303/2013, as amended by this instrument. The remainder of that regulation is amended in a separate

amending instrument: the Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019.

6.3 Regulation 1303/2013, as it applies to the ERDF, the ESF and the Cohesion Fund, is being addressed in a separate instrument prepared by the Department for Business, Energy and Industrial Strategy: the European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) Regulations 2019. This instrument also addresses the fund-specific regulations for each of these funds.

6.4 Provisions in Regulation 1303/2013, which currently give the Commission the power to make secondary legislation, are being amended in a related instrument: the Agriculture (Transfer of Functions) (EU Exit) Regulations 2019, to the extent that they apply to support for rural development and support under Regulation (EU) No 508/2014.

6.5 Implementing and delegated acts and implementing decisions made under Regulation 1303/2013 are being amended in a related instrument: the European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019, to the extent that they apply to support for rural development and support under Regulation (EU) No 508/2014.

6.6 Additional fund-specific regulations which govern the EAFRD are being amended in two separate instruments: the Rural Development (Amendment) (EU Exit) Regulations 2019 and the Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019. This includes Regulation 1305/2013. The regulations being amended apply only to the EAFRD and set out more specific requirements for rural development programmes, for example the requirements of an agri-environment scheme and the criteria a beneficiary must meet to be considered a "young farmer".

6.7 Additional fund-specific regulations which govern the EMFF are being amended in a separate instrument: the Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019. This includes Regulation 508/2014. The regulations being amended apply only to the EMFF and set out more specific requirements for the delivery of the EMFF programme, for example, how support may be provided to improve the working conditions for fishers and to improve the energy efficiency of fishing vessels.

## 7. Policy background

***What is being done and why?***

7.1 The effect of this instrument is limited to correcting deficiencies in order to allow Regulation 1303/2013 to operate effectively following the UK's withdrawal from the EU, to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014. This is being done to enable existing programmes in the UK currently funded by the EAFRD or the EMFF to continue operating for the remainder of the 2014 to 2020 programming period, maintaining the status quo for these programmes as far as is feasibly possible.

7.2 The EAFRD currently provides support for four rural development programmes in the UK: the Rural Development Programme for England, the Rural Development Programme for Scotland, the Rural Development Programme for Wales and the Rural Development Programme for Northern Ireland. Each programme has a managing

authority which decides which projects are supported within these programmes. Each programme can provide funding for agriculture, the environment and rural life with the aim of improving the environment, growing the rural economy and increasing the productivity of forestry and farming. Applicants are wide-ranging and can apply for funding if they are a farmer, grower or forester, managing land or woodland, a business owner in a rural area, a food business or living in a rural community.

7.3 The two key themes of the EMFF are: implementation of the Common Fisheries Policy ("CFP") and promoting growth in the sector. This is achieved through six different priorities: 1) sustainable fisheries; 2) sustainable aquaculture; 3) implementing the CFP through data collection and control and enforcement; 4) increasing employment and territorial cohesion; 5) fostering marketing and processing; and 6) implementation of the Integrated Maritime Policy. The fund is managed by one centralised UK managing authority, a role that is delivered by the Marine Management Organisation. Each of the Devolved Administrations are then designated as an intermediate body and are responsible for delivering the fund at a local level.

7.4 The nature of the projects supported means that it is the Government's intention to enable the programmes currently funded under the EAFRD and the EMFF to continue operating in the UK for the remainder of the 2014 to 2020 programming period. In the event of a non-negotiated UK withdrawal from the EU, the EAFRD and the EMFF will be domestically funded after 29 March 2019 and there will be no contributions to the EU budget under the Multiannual Financial Framework ("MFF"). The MFF of the EU is a seven-year framework regulating its annual budget. It is laid down in a unanimously adopted Council Regulation with the consent of the European Parliament.

7.5 Consequently, the UK Government has guaranteed that any EAFRD and EMFF projects whose funding has been agreed before the end of 2020 will be funded for their full lifetime. This means that the UK Government will fund any remaining payments due after March 2019, ensuring continued funding for these projects until their end. The guarantee also ensures that new projects can continue to be signed under the current programmes after the UK leaves the EU during 2019 and 2020.

7.6 In addition, the Government has pledged to continue to commit the same cash total in funds for farm support until the end of this Parliament, expected in 2022. This includes all funding provided for farm support under the EAFRD and applies to the whole of the UK.

7.7 The estimated value of the EU funds to be replaced is c£132.7m for the remainder of the programme period for the EMFF and c£400m-c£450m a year for the EAFRD, depending on exchange rates. This is based on the average MFF allocation.

7.8 This instrument omits the following provisions, which will be deficient following EU exit:

- The requirement to comply with EU law;
- Articles concerning the partnership agreement, an agreement between a Member State and the Commission which encompasses all of the ESI Funds;
- The requirement for an annual review meeting to be held with the Commission;

- The Commission's right to participate in a programme's monitoring committee;
- The Commission's ability to initiate technical assistance;
- The requirement to submit an ex post evaluation to the Commission for each programme;
- The Commission's right to increase payments for Member States with temporary budgetary difficulties;
- Articles setting out the requirements for financial instruments and other instruments which are implemented or financed by the European Investment Bank;
- Articles relating to the preparation and adoption of programmes;
- The requirement to carry out an ex ante evaluation before designing a programme;
- The procedure for designating the managing and certifying authority;
- The payment of pre-financing; and
- Articles establishing the performance framework, performance review and performance reserve, which allow the Commission to determine which programmes or priorities have achieved their milestones, and require Member States to reallocate funding if milestones for programmes or priorities have not been achieved. If the Member State does not comply, the Commission may suspend interim payments.

7.9 Other amendments correct deficient references in Regulation 1303/2013 to "Member States" and "the Commission" by replacing them with "relevant authority". "Relevant authority" is defined as, for the rural development programmes, the Secretary of State, the Department of Agriculture, Environment and Rural Affairs, the Scottish Ministers and the Welsh Ministers. "Relevant authority" is defined as, for the maritime and fisheries operational programme, the managing authority for that programme.

7.10 In some cases, this has the effect of transferring requirements or obligations that were previously for Member States or, in a limited number of areas, shared between Member States and the Commission to the relevant authority. Although responsibility for these obligations is at a Member State level, in practice, it is currently the authorities outlined in paragraph 7.9 who ensure that the requirements are met in each of the rural development programmes and the maritime and fisheries operational programme. To note, these functions are not legislative; the transfer of legislative functions is addressed in a related instrument outlined in paragraph 6.4 of this Explanatory Memorandum.

7.11 The requirements and obligations being transferred are:

- Overall responsibility for the programme;
- Promoting equality between men and women and non-discrimination;
- Defining criteria for selecting community-led local development strategies;
- Defining the roles for local action groups;
- Providing resources for carrying out evaluations;

- Promoting environmental protection, resource efficiency, climate change mitigation and adaption, biodiversity, disaster resilience and risk prevention; and
- The ability to initiate technical assistance.

## 8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the powers conferred by section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the UK from the EU. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

## 9. Consolidation

9.1 There are no plans for consolidation.

## 10. Consultation outcome

10.1 In terms of rural development, DEFRA met with the Rural Payments Agency's Industry Partnership Group ("IPG") on 25 September 2018 to discuss the Government's plans for the UK's withdrawal from the EU with farming and land management stakeholders. At the meeting, stakeholders were informed of the plans to make retained EU Common Agricultural Policy ("CAP") legislation fully operable at the point of the UK's withdrawal from the EU, to enable DEFRA and the Devolved Administrations to continue to deliver ongoing CAP Pillar 1 and Pillar 2 (i.e. rural development) commitments to the agriculture sector in 2019, following the UK's withdrawal from the EU. No concerns were raised. Stakeholders present were: Tenant Farmers Association; Countryside Land and Business Association; Farming Community Network; Institute of Agricultural Secretaries and Agents; British Institute of Agricultural Consultants and; National Farmers Union. A subsequent meeting was held on 26 November 2018 between DEFRA and the Rural Payments Agency's IPG, detailed above, to update stakeholders further on legislative progress in preparing for the UK's withdrawal from the EU.

10.2 In terms of fisheries a targeted engagement was carried out on the approach to the amendments, involving key stakeholders from the fisheries sector, food industry and environmental non-governmental bodies. In addition, a ten-week consultation was conducted through the Fisheries White Paper. Stakeholders were broadly supportive of the approach being taken.

## 11. Guidance

11.1 DEFRA is not producing any specific guidance on this instrument because it amends technical deficiencies arising from the UK's withdrawal from the EU. However, the Government has published technical notices on the gov.uk website to ensure that citizens and businesses have the information available to prepare for EU exit.

A technical notice titled "Guidance: Receiving rural development funding if there's no Brexit deal" was updated on 19 December 2018.

(https://www.gov.uk/government/publications/receiving-rural-development-funding-if-theres-no-brexit-deal/receiving-rural-development-funding-if-theres-no-brexit-deal)

11.2 A technical notice titled "Guidance: Commercial fishing and marketing of seafood if there's no Brexit deal" was published on 10 January 2019. (https://www.gov.uk/government/publications/commercial-fishing-if-theres-no-brexit-deal/commercial-fishing-if-theres-no-brexit-deal)

11.3 A technical notice titled "Guidance: The government's guarantee for EU-funded programmes if there's no Brexit deal" was updated on 3 December 2018. (https://www.gov.uk/government/publications/the-governments-guarantee-for-eu-funded-programmes-if-theres-no-brexit-deal/the-governments-guarantee-for-eu-funded-programmes-if-theres-no-brexit-deal)

## 12. Impact

12.1 There is no, or no significant impact on business, charities or voluntary bodies. Beneficiaries will continue to receive funding similarly to before EU exit. The UK's involvement in the European Investment Bank would be inoperable as a result of the UK's withdrawal from the EU; however, domestic finance mechanisms would still be accessible to those seeking funding.

12.2 There is no, or no significant impact on the public sector. There may be a negligible increase in administration cost as notifications may go to responsible bodies within the UK rather than European institutions.

12.3 An Impact Assessment has not been prepared for this instrument because there is expected to be no significant impact on business. The instrument relates to the maintenance of existing funding streams.

## 13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small business is that no disproportionate impacts are expected to affect small and micro businesses.

## 14. Monitoring & review

14.1 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required. DEFRA and its agencies will monitor and review the impact of the instrument as part of its standard policy-making procedures.

## 15. Contact

15.1 Jenny Hewlett at the Department for Environment, Food and Rural Affairs Telephone: 02078 955438 or email: jenny.hewlett@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Fiona James and Elen Shepard, Deputy Directors for the Common Agricultural Policy EU Exit Preparedness at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 George Eustice MP, Minister of State for Agriculture, Fisheries and Food at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

# Annex

## Statements under the European Union (Withdrawal) Act 2018

## Part 1

### Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

| Statement | Where the requirement sits | To whom it applies | What it requires |
|---|---|---|---|
| Sifting | Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7 | Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI | Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees |
| Appropriate-ness | Sub-paragraph (2) of paragraph 28, Schedule 7 | Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 | A statement that the SI does no more than is appropriate. |
| Good Reasons | Sub-paragraph (3) of paragraph 28, Schedule 7 | Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 | Explain the good reasons for making the instrument and that what is being done is a reasonable course of action. |
| Equalities | Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7 | Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 | Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them.<br><br>State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010. |
| Explanations | Sub-paragraph (6) of paragraph 28, Schedule 7 | Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2<br>In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs | Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law. |

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|---|---|---|---|
| Criminal offences | Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7 | Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence | Set out the 'good reasons' for creating a criminal offence, and the penalty attached. |
| Sub-delegation | Paragraph 30, Schedule 7 | Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument. | State why it is appropriate to create such a sub-delegated power. |
| Urgency | Paragraph 34, Schedule 7 | Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7. | Statement of the reasons for the Minister's opinion that the SI is urgent. |
| Explanations where amending regulations under 2(2) ECA 1972 | Paragraph 13, Schedule 8 | Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA | Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law. |
| Scrutiny statement where amending regulations under 2(2) ECA 1972 | Paragraph 16, Schedule 8 | Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA | Statement setting out:<br>a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament,<br>b) containing information about the relevant authority's response to—<br>(i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and<br>(ii) any other representations made to the relevant authority about the published draft instrument, and,<br>c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid. |

# Part 2

## Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

### 1. Appropriateness statement

1.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 does no more than is appropriate".

1.2 This is the case because: the amendments made are predominantly technical in nature and are limited to making the retained EU legislation operable following the UK's withdrawal from the EU.

### 2. Good reasons

2.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action".

2.2 These are outlined in section 2 of this Explanatory Memorandum.

### 3. Equalities

3.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statements:

"The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.

3.2 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In relation to the draft instrument, I, George Eustice, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010."

### 4. Explanations

4.1 The explanations statement has been made in section 2 of the main body of this Explanatory Memorandum.