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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 135**

**AGRICULTURE**

**The Direct Payments (Crop Diversification  
Derogation) (Scotland) Regulations 2020**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>28th April 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>29th April 2020</i>
<i>Coming into force</i>	- -	<i>1st May 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by Article 69(1) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009(1) and all other powers enabling them to do so.

The Scottish Ministers are of the opinion that, in order to resolve problems caused by the extreme weather conditions experienced across Scotland in recent months, it is both necessary and justifiable in an emergency to derogate from the specified provisions of that Regulation, and that the derogation applies to the extent and for such period as are strictly necessary.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Direct Payments (Crop Diversification Derogation) (Scotland) Regulations 2020 and come into force on 1 May 2020.

(2) These Regulations extend to Scotland.

**Derogation from the crop diversification requirements**

2.—(1) Articles 43(2)(a) and 44 of Regulation (EU) No 1307/2013(2) do not apply for the claim year 2020.

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(1) Regulation (EU) No 1307/2013 (“the Direct Payments Regulation”) was incorporated into domestic law by the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2). Article 69(1) was substituted by regulation 7(2)(a) of S.I. 2020/91. The term “appropriate authority” in relation to Scotland means the Scottish Ministers as per Article 4(1)(s), as read with Article 4(1)(r), of the Direct Payments Regulation. Article 4(1)(r) and (s) was inserted by regulation 3(4)(h) of S.I. 2020/91.

(2) Articles 43 and 44 were amended by regulation 5(15) and (16) respectively of S.I. 2020/91.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) In this regulation, “claim year” means a period of 12 months beginning with 1 January (and “claim year” followed by a year, means the period of 12 months beginning with 1 January in that year).

St Andrew’s House,  
Edinburgh  
28th April 2020

*MAIRI GOUGEON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Farmers entitled to a payment under the basic payment scheme must observe certain agricultural practices set out in Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (“the Direct Payments Regulation”), which are beneficial for the climate and the environment.

These Regulations make derogations from certain provisions of the Direct Payments Regulation, disapplying the crop diversification requirements in Scotland for the claim year 2020. These derogations are considered necessary and justifiable in order to address problems caused by extreme weather experienced across Scotland in recent months.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.