



Agriculture and Rural Communities (Scotland) Act 2024

2024 asp 11

PART 3

POWERS TO MODIFY EXISTING LEGISLATION RELATING TO SUPPORT

Powers in relation to relevant CAP legislation

22 Power to simplify, improve or update relevant CAP legislation

- (1) The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is modified as follows.
- (2) In section 1 (defined terms), in subsection (2)—
 - (a) in the opening words, for “main” substitute “relevant”,
 - (b) after paragraph (b) insert—
 - “(ba) the CMO Regulation,”.
- (3) In section 2 (power to simplify or improve CAP legislation)—
 - (a) in subsection (1), for “the main” substitute “or restate, to any extent, the relevant”,
 - (b) in subsection (2)—
 - (i) the words from “that” to “legislation” become paragraph (a),
 - (ii) after that paragraph insert—
 - “(b) that they consider appropriate to take account of—
 - (i) changes in technology, or
 - (ii) developments in scientific understanding.”,
 - (c) after subsection (2) insert—
 - “(2A) A restatement under subsection (1) may make any change to the legislation that the Scottish Ministers consider appropriate—
 - (a) for the purposes of—
 - (i) resolving ambiguity,

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- (ii) removing doubt or an anomaly,
- (iii) facilitating improvements in the clarity or accessibility of the law (including by omitting anything which is legally unnecessary),
- (b) to take account of—
 - (i) changes in technology, or
 - (ii) developments in scientific understanding.

(2B) A restatement under subsection (1) may use words or concepts that are different from those used in the provision being restated.”.

- (4) The section title of section 2 becomes “**Power to simplify, improve or update relevant CAP legislation**”.

23 Power to continue or end the operation of relevant CAP legislation

- (1) The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is modified as follows.
- (2) In section 3 (power to provide for the operation of CAP legislation beyond 2020)—
- (a) in subsection (1)—
 - (i) for “main” substitute “relevant”,
 - (ii) the words “for one or more years beyond 2020” are repealed,
 - (b) after subsection (1) insert—

“(1A) The Scottish Ministers may by regulations modify any provision of the relevant CAP legislation for the purpose of securing that it—

 - (a) ceases to apply for a period, or
 - (b) ceases to have effect in Scotland.”,
 - (c) subsections (2) and (3) are repealed,
 - (d) in subsection (4), for “subject to the affirmative procedure” substitute “(if they have not been subject to the affirmative procedure) subject to the negative procedure”.
- (3) The section title of section 3 becomes “**Power to continue or end the operation of relevant CAP legislation**”.

24 Power to modify financial provision in relevant CAP legislation

- (1) The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is modified as follows.
- (2) In section 4 (power to modify financial provision in CAP legislation)—
- (a) in subsection (1), for “main” substitute “relevant”,
 - (b) subsection (2) is repealed,
 - (c) in subsection (3), for “subject to the affirmative procedure” substitute “(if they have not been subject to the affirmative procedure) subject to the negative procedure”.
- (3) The section title of section 4 becomes “**Power to modify financial provision in relevant CAP legislation**”.

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25 Repeal of section 5

Section 5 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is repealed.

26 Public intervention and private storage aid

(1) The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is modified as follows.

(2) In section 6 (power to modify CAP legislation on public intervention and private storage aid)—

(a) for subsection (2) substitute—

“(2) The power conferred by subsection (1) includes the power to make provision for the purposes of—

(a) altering the operation of the legislation so far as it has effect in connection with exceptional market conditions which are the subject of a declaration under section 14 of the Agriculture and Rural Communities (Scotland) Act 2024,

(b) securing that provisions of the legislation cease to have effect otherwise than in connection with exceptional market conditions which are the subject of such a declaration,

(c) altering the operation of provisions of the legislation otherwise than in connection with exceptional market conditions.”,

(b) after subsection (3) insert—

“(3A) For the purposes of this section, a reference to exceptional market conditions which are the subject of a declaration under section 14 of the Agriculture and Rural Communities (Scotland) Act 2024 includes a reference to circumstances which are the subject of measures under Articles 219, 220 and 221 of the CMO Regulation.”.

27 Power to modify CAP legislation on aid for fruit and vegetable producer organisations

(1) In section 7 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (power to simplify or improve CAP legislation on aid for fruit and vegetable producer organisations), subsection (2) is repealed.

(2) The section title of section 7 becomes “**Power to modify CAP legislation on aid for fruit and vegetable producer organisations**”.

28 Apiculture

After section 7 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 insert—

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“Apiculture

7A Apiculture

- (1) The Scottish Ministers may by regulations modify the legislation governing apiculture.
- (2) In this section, the “legislation governing apiculture” includes, in particular—
 - (a) Articles 55 to 57 and 215 of the CMO Regulation,
 - (b) any delegated or implementing Regulations made (whether by the Commission or the Council) under the CMO Regulation relating to those Articles,
 - (c) any subordinate legislation implementing or otherwise relating to those Articles.
- (3) Regulations under this section are (if they have not been subject to the affirmative procedure) subject to the negative procedure.”.