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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 279**

**AGRICULTURE**

**The Rural Support (Simplification and Improvement) (Scotland) (No. 2) Regulations 2022**

*Made* - - - - 20th September 2022  
*Laid before the Scottish Parliament* - - - - 22nd September 2022  
*Coming into force* - - 10th November 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020<sup>(1)</sup>, and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Rural Support (Simplification and Improvement) (Scotland) (No. 2) Regulations 2022 and come into force on 10 November 2022.

**Amendment of the Direct Payments Regulation**

2.—(1) 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<sup>(2)</sup> is amended as follows.

(2) In Article 46(2)—

(a) in the first subparagraph for point (h) substitute—

“(h) afforested areas that receive, or have received, support under Article 22 of Regulation (EU) No 1305/2013 through a forestry grant scheme agreement for small or farm woodland creation.”,

(b) in the second subparagraph omit “(h)”.

(3) In Annex X omit “as referred to in Article 32(2)(b)(ii)”.

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<sup>(1)</sup> 2020 asp 17.

<sup>(2)</sup> EUR 2013/1307 (“the Direct Payments Regulation”) was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) and relevantly amended by S.I. 2020/91.

### **Amendment of Commission Delegated Regulation (EU) No 639/2014**

**3.**—(1) Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation<sup>(3)</sup> is amended as follows.

(2) In Article 45—

- (a) in subparagraph 1 for “11” substitute “12”,
- (b) after subparagraph 11 insert—

“**12.** The relevant authority shall specify the species that are to be used for afforested areas. Afforested areas shall be arable land eligible for the basic payment scheme referred to in Chapter 1 of Title III of Regulation (EU) No 1307/2013 and fulfilling the conditions under the small or farm woodland creation option of the forestry grant scheme applied to the species specified by the relevant authority. The forestry grant scheme agreement referred to in Article 46(2)(h) of Regulation (EU) No 1307/2013 must have been issued after 1 January 2015.”.

(3) In Article 46(4) for “, (d) and (h)” substitute “and (d)”.

(4) In Article 47(3) for “, (d) and (h)” substitute “and (d)”.

St Andrew’s House,  
Edinburgh  
20th September 2022

*MAIRI GOUGEON*  
A member of the Scottish Government

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(3) EUR 2014/639 was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) and relevantly amended by S.I. 2020/91.

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## EXPLANATORY NOTE

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

These Regulations amend 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”) and Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (“Commission Delegated Regulation (EU) No. 639/2014”).

Regulation 2 substitutes Article 46(2)(h) in the Direct Payments Regulation to create an improved afforested areas option under the Ecological Focus Area element of greening. The new option enables small areas of woodland on farms and crofts to be used as Ecological Focus Areas.

Regulation 3 amends Article 45 of Commission Delegated Regulation (EU) No. 639/2014 to set out, in more detail, the requirements to be met under Article 46(2)(h) of the Direct Payments Regulation.

Regulations 2 and 3 also amend or remove certain cross-references to Article 46(2)(h) of the Direct Payments Regulation in the Direct Payments Regulation and in Commission Delegated Regulation (EU) No. 639/2014.

A Business and Regulatory Impact Assessment has been prepared. Copies can be obtained online at [www.legislation.gov.uk](http://www.legislation.gov.uk).