
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 209

**The Common Agricultural Policy (EU Exit)
(Scotland) (Amendment) (No. 2) Regulations 2019**

PART 2

Amendments in reliance of section 2(2) and paragraph
1A of schedule 2 of the European Communities Act 1972

The Rural Development (Scotland) Regulations 2015

- 2.—(1) The Rural Development (Scotland) Regulations 2015^{M1} are amended as follows.
- (2) In regulation 22 (revocations and saving)—
- (a) in paragraph (1)—
- (i) for “the Schedule” substitute “ schedule 1 ”,
- (ii) for “paragraph (2)” substitute “ paragraphs (2) and (3) ”,
- (b) after paragraph (2), insert—
- “(3) For the purposes of the application of paragraph (2) to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008^{M2} and the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008^{M3}, those Regulations are to be read as if the amendments set out in schedule 2 had been made.”.
- (3) In the schedule (revocations), for “Schedule” substitute “ Schedule 1 ”.
- (4) After schedule 1 (revocations), insert—

“SCHEDULE 2

Regulation 22(3)

Amendments for the purpose of the application of regulation 22(2)

The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008

- 1.—(1) In regulation 2(1) (interpretation)—
- (a) in the definition of “Commission Regulation 1974/2006”—
- (i) omit “, as amended by Commission Regulations (EC) No. 434/2007 and (EC) 1236/2007”,
- (ii) at the end insert “, as last amended by Commission Implementing Regulation (EU) No 335/2013^{M4}”,
- (b) in the definition of “Commission Regulation 1122/2009”, at the end insert “, as last amended by Commission Regulation (EU) No 426/2013^{M5}”,
- (c) in the definition of “Commission Regulation 65/2011”, at the end insert “, as last amended by Commission Implementing Regulation (EU) No 937/2012^{M6}”,

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- (d) in the definition of “Council Regulation 1698/2005”, at the end insert “ , as last amended by Regulation (EU) No 1312/2011 ^{M7} ”,
- (e) in the definition of “Council Regulation 73/2009”, at the end insert “ , as last amended by Commission Delegated Regulation (EU) No 994/2014 ^{M8} ”,
- (f) after the definition of “Crofting Commission”, insert—
 - ““Cross-Compliance Regulations” means the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 ^{M9} ”,
- (g) after the definition of “regional priorities”, insert—
 - ““Regulation (EU) No 1306/2013” means Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, as amended from time to time.”.
- (2) In regulation 9(5) (undertakings)—
 - (a) in sub-paragraph (a), at the end insert “ or Article 93 and Annex II of Regulation (EU) No 1306/2013 ”,
 - (b) in sub-paragraph (b), at the end insert “ or regulation 3(2) and the schedule of the Cross-Compliance Regulations ”.
- (3) In regulation 12(3)(a) (claims and payment)—
 - (a) in head (i), after “the IACS Regulations” insert “ or regulation 6 of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 ^{M10} ”,
 - (b) for head (ii), substitute—
 - “(ii) contain the information specified in—
 - (aa) Article 12 of Commission Regulation 1122/2009, or
 - (bb) Article 14 of Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance, as amended from time to time,

in relation to single applications, and”,
 - (c) for head (iii), substitute—
 - “(iii) specify the unique identification number for each reference parcel of land under or compatible with the identification system for agricultural parcels referred to in—
 - (aa) Article 17 of Council Regulation 73/2009 and Article 6 of Commission Regulation 1122/2009, or
 - (bb) Article 70 of Regulation (EU) No 1306/2013 and Article 5 of Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance, as that Commission Delegated Regulation is amended from time to time, and”.

(4) In regulation 14(4) (powers of authorised persons), after “2004” insert “ or regulation 5(4) of the Cross-Compliance Regulations ”.

The Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008

2.—(1) In regulation 2(1) (interpretation)—

- (a) in the definition of “Commission Regulation 1122/2009”, at the end insert “ , as last amended by Commission Regulation (EU) No 426/2013 ”,
- (b) in the definition of “Commission Regulation 1974/2006”—
 - (i) omit “as amended by Commission Regulations (EC) No. 434/2007 and (EC) No. 1236/2007”,
 - (ii) at the end insert “ , as last amended by Commission Implementing Regulation (EU) No 335/2013 ”,
- (c) in the definition of “Commission Regulation 65/2011”, at the end insert “ , as last amended by Commission Implementing Regulation (EU) No 937/2012 ”,
- (d) in the definition of “Council Regulation 1698/2005”, at the end insert “ , as last amended by Regulation (EU) No 1312/2011 ”,
- (e) in the definition of “Council Regulation 73/2009”, at the end insert “ , as last amended by Commission Delegated Regulation (EU) No 994/2014 ”,
- (f) after the definition of “Crofting Commission”, insert—

““Cross-Compliance Regulations” means the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014,”,
- (g) after the definition of “landlord”, insert—

““Regulation (EU) No 1306/2013” means Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, as amended from time to time.”,

(2) In regulation 5 (maximum amount of aid payable), for “Article 19” to “table:” substitute—

- “(a) Article 19 of Council Regulation 73/2009 and Article 12(1)(d) of Commission Regulation 1122/2009, or
- (b) Article 72 of Regulation (EU) No 1306/2013 and Article 14(1)(d) of Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance, as that Commission Implementing Regulation is amended from time to time,

as set out in the following table:”.

(3) In regulation 10(5) (undertakings)—

- (a) in sub-paragraph (a), after “Council Regulation 73/2009” insert “ or Article 93 and Annex II of Regulation (EU) No 1306/2013 ”,
- (b) in sub-paragraph (b), after “2004” insert “ or regulation 3(2) and the schedule of the Cross-Compliance Regulations ”.

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(4) In regulation 13(4) (powers of authorised persons), after “2004” insert “ or regulation 5(4) of the Cross-Compliance Regulations ”.”.

Commencement Information

I1 [Reg. 2](#) in force at 26.9.2019, see [reg. 1\(1\)\(a\)](#)

Marginal Citations

M1 [S.S.I. 2015/192](#).

M2 [S.S.I. 2008/100](#), amended by the [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), [S.S.I. 2008/233](#), [S.S.I. 2009/1](#), [S.S.I. 2009/233](#), [S.S.I. 2009/335](#), [S.S.I. 2009/411](#), [S.S.I. 2010/87](#), [S.S.I. 2010/222](#), [S.S.I. 2010/322](#), [S.S.I. 2010/460](#), [S.S.I. 2011/106](#), [S.S.I. 2011/228](#), [S.I. 2011/1043](#), [S.S.I. 2012/215](#), [S.S.I. 2012/307](#), [S.S.I. 2012/360](#) and [S.S.I. 2014/373](#). [S.S.I. 2008/100](#) was revoked subject to savings by [S.S.I. 2015/192](#).

M3 [S.S.I. 2008/159](#), amended by the [Crofting Reform \(Scotland\) Act 2010 \(asp 14\)](#), [S.S.I. 2009/155](#), [S.S.I. 2011/85](#), [S.S.I. 2011/228](#), [S.I. 2011/1043](#), [S.S.I. 2012/360](#), [S.S.I. 2013/309](#) and [S.S.I. 2014/373](#). [S.S.I. 2008/159](#) was revoked subject to savings by [S.S.I. 2015/192](#).

M4 OJ L 105, 13.4.2013, p.1. Commission Regulation 1974/2006 was repealed subject to savings by Commission Delegated Regulation (EU) No 807/2014 (OJ L 227, 31.7.2014, p.1).

M5 OJ L 127, 9.5.2013, p.17. Commission Regulation 1122/2009 was repealed subject to savings by Commission Delegated Regulation (EU) No 640/2014 (OJ L 181, 20.6.2014, p.48).

M6 OJ L 280, 13.10.2012, p.1. Commission Regulation 65/2011 was repealed subject to savings by Commission Delegated Regulation (EU) No 640/2014 (OJ L 181, 20.6.2014, p.48).

M7 OJ L 339, 21.12.2011, p.1. Council Regulation 1698/2005 was repealed subject to savings by Regulation (EU) No 1305/2013 (OJ L 347, 20.12.2013, p.487).

M8 OJ L 280, 24.9.2014, p.1. Council Regulation 73/2009 was repealed by Regulation (EU) No 1307/2013 (OJ L 347, 20.12.2013, p.608).

M9 [S.S.I. 2014/325](#), relevant amending instruments are [S.S.I. 2015/58](#), [S.S.I. 2015/215](#), [S.S.I. 2018/122](#) and [S.S.I. 2019/60](#).

M10 [S.S.I. 2015/58](#), relevant amending instruments are [S.S.I. 2015/215](#) and [S.S.I. 2016/178](#).

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