
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 72

AGRICULTURE

**The Rural Support (Controls)
(Coronavirus) (Scotland) Regulations 2021**

Approved by the Scottish Parliament

<i>Made</i>	- - - -	<i>at 11.00 a.m. on 11th</i>
		<i>February 2021</i>
<i>Laid before the Scottish</i>		<i>at 2.00 p.m. on 11th</i>
<i>Parliament</i>	- - - -	<i>February 2021</i>
<i>Coming into force</i>	- -	<i>31st March 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by Article 75(3) of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy⁽¹⁾, and all other powers enabling them to do so.

The Scottish Ministers consider that these Regulations are both necessary and justifiable in order to resolve specific problems in relation to the application of Article 75 of Regulation (EU) No. 1306/2013 during the ongoing coronavirus pandemic. These regulations allow for derogation from paragraph 2 of that Article only to the extent, and for such a period, as is strictly necessary.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 and come into force on 31 March 2021.

(2) These Regulations extend to Scotland.

Derogation from requirements in Regulation (EU) No. 1306/2013

2.—(1) Regulation (EU) No. 1306/2013⁽²⁾ is amended as follows.

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- (1) EUR 2013/1306 (“the Horizontal Regulation”) was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2), insofar as it relates to direct payment support. Insofar as it relates to agricultural support, the Horizontal Regulation was incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c.16). The Horizontal Regulation was relevantly amended in relation to direct payment support by S.I. 2020/90 and in relation to agricultural support by S.I. 2019/748 and S.I. 2019/763. Regulation 2 of S.I. 2020/1445 makes further provision in respect of the effect of the Horizontal Regulation on IP completion day. The term “appropriate authority” in relation to Scotland means the Scottish Ministers as per Article 2(1)(m), as read with Article 2(1)(k) of the Horizontal Regulation.
- (2) EUR 2013/1306.

(2) In Article 75(2)(3) (payment to beneficiaries), at the end insert—

“By way of derogation from the first sub-paragraph, in respect of claim year 2020, the paying agency may make payments to beneficiaries granted pursuant to Chapter 1 of Title 4 of Regulation (EU) No. 1307/2013(4) (voluntary coupled support) after the administrative checks referred to in Article 74 have been finalised.

By way of derogation from the first sub-paragraph, in respect of claim year 2021, the paying agency may make payments to beneficiaries—

- (a) granted pursuant to Chapter 1 of Title 3 of Regulation (EU) No. 1307/2013 (basic payment scheme),
- (b) granted pursuant to Chapter 3 of Title 3 of Regulation (EU) No. 1307/2013 (payment for agricultural practices beneficial for the climate and environment),
- (c) granted pursuant to Chapter 5 of Title 3 of Regulation (EU) No. 1307/2013 (payment for young farmers),
- (d) granted pursuant to Article 31 of Regulation (EU) No. 1305/2013(5) (payments to areas facing natural or other specific constraints),

after the administrative checks referred to in Article 74 have been finalised.”.

St Andrew’s House,
Edinburgh
At 11.00 a.m. on 11th February 2021

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

(3) Article 75(2) was amended by [S.I. 2020/90](#) in relation to direct payment support and [S.I. 2019/763](#) in relation to agricultural support.

(4) EUR 2013/1307, as amended by section 5 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2) (“the 2020 Act”), [S.I. 2020/91](#), [S.I. 2020/576](#), [S.I. 2020/760](#), [S.S.I. 2020/349](#) and [S.S.I. 2020/460](#). This Regulation was incorporated into domestic law by section 2 of the 2020 Act.

(5) EUR 2013/1305, as relevantly amended by [S.I. 2019/764](#), [S.I. 2019/1422](#) and [S.S.I. 2020/456](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Article 75 of Regulation (EU) No. 1306/2013 (“the Horizontal Regulation”). Article 75(2) requires that before the Scottish Ministers can make payments to beneficiaries of rural support schemes, all eligibility conditions must have been verified. Eligibility conditions are verified by carrying out administrative checks and on-the-spot checks. The amendment to Article 75 permits the Scottish Ministers to make payments under specified schemes following the completion of administrative checks.

Due to the ongoing coronavirus pandemic, the physical inspections programme has been delayed. The amendment made by regulation 2 is considered necessary to ensure that any delays in physical inspections do not result in payments under the following schemes also being delayed: voluntary coupled support in the 2020 claim year, basic payments in the 2021 claim year, payments for agricultural practices beneficial for the climate and environment in the 2021 claim year, payments for young farmers in the 2021 claim year and payments to areas facing natural or other specific constraints in the 2021 claim year.

A Business and Regulatory Impact Assessment has been prepared. Copies may be obtained online at www.legislation.gov.uk.