

2023 No. 308

AGRICULTURE

**The Rural Support (Simplification and Improvement) (Scotland)
Regulations 2023**

Made - - - - - *26th October 2023*

Laid before the Scottish Parliament *30th October 2023*

Coming into force - - - *1st January 2024*

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(a), 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) Regulations 2023 and come into force on 1 January 2024.

Modification of Regulation (EU) No 1307/2013

2. In Article 31(1) (replenishment of the national reserve or regional reserves) 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(b) omit points (a) and (b).

Modification of Commission Delegated Regulation (EU) No 639/2014

3. In Article 24 (requirements for activation of payment entitlements) of 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(c) omit paragraph 2.

(a) 2020 asp 17.

(b) EUR 2013/1307, as relevantly amended by S.I. 2020/91 – this is a reference to the retained version of Regulation (EU) No 1307/2013. That retained version is online at <https://www.legislation.gov.uk/eur/2013/1307/contents>. EUR 2013/1307 was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(c) EUR 2014/639, to which there are amendments not relevant to these Regulations – this is a reference to the retained version of Commission Delegated Regulation (EU) No 639/2014. That retained version is online at <https://www.legislation.gov.uk/eur/2014/639/contents>. 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).

Modification of Commission Implementing Regulation (EU) No 641/2014

4. In Commission Implementing Regulation (EU) No 641/2014 of 16 June 2014 laying down rules for the application of 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(a) omit Article 9 (reversion to the national or regional reserve).

Modification of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

5. In regulation 9 (transfer of payment entitlements) of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015(b) omit paragraph (4).

MAIRI GOUGEON

A member of the Scottish Government

St Andrew's House,
Edinburgh
26th October 2023

(a) EUR 2014/641, as relevantly amended by S.I. 2020/91 – this is a reference to the retained version of Commission Implementing Regulation (EU) No 641/2014. That retained version is online at <https://www.legislation.gov.uk/eur/2014/641/contents>. EUR 2014/641 was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(b) S.S.I. 2015/58, as relevantly amended by S.S.I. 2018/122.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify a number of instruments to simplify and improve their operation.

Regulation 2 omits points (a) and (b) of Article 31(1) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council (“the Direct Payments Regulation”). This removes provision regarding replenishment of national or regional reserves from payment entitlements not giving right to payments during two consecutive years due to the application specified provisions, and from payment entitlements not activated for two consecutive years.

Regulation 3 is consequential upon the change made by regulation 2 and omits Article 24(2) of Commission Delegated Regulation (EU) No 639/2014. Article 24(2) sets out how overdeclarations of payment entitlements are to be considered for the purposes of Article 31(1)(b) of the Direct Payments Regulation.

Regulation 4 is consequential upon the change made by regulation 2, and omits Article 9 of Commission Implementing Regulation (EU) No 641/2014. Article 9 sets out when payment entitlements revert to the national or regional reserve as a consequence of the operation of Article 31(1)(a) and (b) of the Direct Payments Regulation.

Regulation 5 omits regulation 9(4) of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 to remove the requirements relating to reversion to the national reserve of annual unit value of payment entitlements that are transferred without land.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained online at www.legislation.gov.uk.

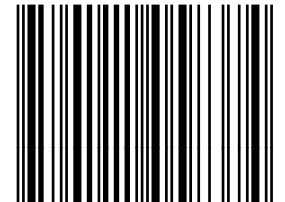
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