

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision under section 30(3) of the Scotland Act 1998. It concerns functions related to the implementation of a European Union legislative instrument on the common agricultural policy, which apply to an agricultural area or an agricultural activity by reference to a holding, and prerogative and other executive functions under section 53(2)(a) of that Act.

By virtue of article 2 of this Order, so far as exercisable in relation to a farmer whose holding within the United Kingdom is situated wholly or partly in Scotland (a “Scottish farmer”, as defined in article 1 of this Order), those functions should be treated for the purposes of the Scotland Act 1998 as being functions which are exercisable in or as regards Scotland.

This includes functions which relate to 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 (“the EU Regulation”). It also includes prerogative and other executive functions which are exercisable in relation to a Scottish farmer.

This Order makes clear the powers of the Scottish Parliament and the Scottish Ministers under the EU Regulation in relation to a Scottish farmer as a consequence of the reform of the common agricultural policy of the European Union.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.