

2014 No. 2753 (S. 3)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

AGRICULTURE

The Scotland Act 1998 (Modification of Functions) Order 2014

<i>Made</i> - - - -	<i>13th October 2014</i>
<i>Laid before Parliament</i>	<i>15th October 2014</i>
<i>Coming into force</i> - -	<i>1st March 2015</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 106 and 112(1) of the Scotland Act 1998(a).

In accordance with section 106(4) of that Act the Secretary of State has consulted the Scottish Ministers.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scotland Act 1998 (Modification of Functions) Order 2014 and comes into force on 1st March 2015.

(2) In this Order—

“the EU Regulation” 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(b);

“Scottish farmer” means a farmer (within the meaning of Article 2 of the EU Regulation) whose holding is situated wholly or partly in Scotland, and “holding” has the same meaning as in Articles 2 and 91 of the EU Regulation(c); and

“specified function under EU law” means any function which—

(a) relates to the implementation of any legislative instrument of the European Union adopted in pursuance of the common agricultural policy of the European Union established in accordance with Title III of Part Three of the Treaty on the Functioning of the European Union; and

(a) 1998 c.46.

(b) OJ L 347, 20.12.2013, p.549.

(c) The definition of “holding” in article 2 of the EU Regulation includes (a) units used for agricultural activities and managed by a farmer and (b) in the case of article 93 of that Regulation (cross-compliance requirements), production units and areas managed by a farmer whether or not specifically used for agricultural activities.

(b) applies in relation to an agricultural area or an agricultural activity by reference to a holding,
and “agricultural area” and “agricultural activity” have the same meaning as in Article 2 of the EU Regulation.

Agriculture

2. So far as a specified function under EU law, or a function to which section 53(2)(a) of the Scotland Act 1998 applies, is exercisable by a Minister of the Crown in relation to a Scottish farmer, it may be exercised separately.

David Mundell
Parliamentary Under Secretary of State
Scotland Office

Dover House,
London
13th October 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 106 of the Scotland Act 1998. It modifies 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 modifies 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 within Scotland (a “Scottish farmer”, as defined in article 1 of this Order), those functions may be exercised separately.

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 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 sector is foreseen.

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