

EXECUTIVE NOTE

THE RURAL DEVELOPMENT SUPPORT MEASURES (CONTROL PROCEDURES AND MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2011 (SSI 2011/260)

1. Introduction

1.1 The Scottish Ministers make the Rural Development Support Measures (Control Procedures and Miscellaneous Amendments) Regulations 2011 (“the 2011 Regulations”) in exercise of the powers conferred on them by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

1.2 It is subject to negative resolution procedure.

2. Purpose of the instrument

2.1 The 2011 Regulations will amend the following Scottish Statutory Instruments (“the relevant Regulations”):

- A. Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008 (SSI 2008/64);
- B. Leader Grants (Scotland) Regulations 2008 (SSI 2008/66)
- C. Forestry Challenge Funds (Scotland) Regulations 2008 (SSI 2008/135)
- D. Land Managers Skills Development Grants (Scotland) Regulations 2008 (SSI 2008/162)

2.2 The main purpose of the 2011 Regulations is to substitute the references in the relevant Regulations to Commission Regulation (EC) No 1975/2006, with references to Commission Regulation (EU) No 65/2011. Commission Regulation (EC) No 1975/2006 has been revoked and replaced by Commission Regulation (EU) No 65/2011 with effect from 1 January 2011. Commission Regulation (EC) No 1975/2006 will continue to apply in respect of payment claims submitted before that date.

2.3 The 2011 Regulations also make other amendments to each set of relevant Regulations in order to fulfill previous commitments to the Subordinate Legislation Committee, correct some minor printing errors and cross-references and to clarify and update drafting where necessary.

2.4 The points made by the SLC on the various instruments are detailed in the links below:

1) The Agricultural and Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008 (SSI 2008/64)

<http://www.scottish.parliament.uk/s3/committees/subleg/reports-08/sur08-11.htm>

2) The Leader Grants (Scotland) Regulations 2008 (SSI 2008/66)

<http://www.scottish.parliament.uk/s3/committees/subleg/reports-08/sur08-13.htm>

3) Forestry Challenge Funds (Scotland) Regulations 2008 (SSI 2008/135)

<http://www.scottish.parliament.uk/s3/committees/subleg/reports-08/sur08-16.htm>

4) Land Managers Skills Development Grants (Scotland) Regulations 2008 (SSI 2008/162)

<http://www.scottish.parliament.uk/s3/committees/subleg/reports-08/sur08-19.htm>

3. Legislative Context

3.1 The relevant Regulations all provide for separate schemes of the Scotland Rural Development Programme (SRDP) for the making of grants, and in particular introduced measures to supplement Council Regulation (EC) No 1698/2005 which lays down general rules governing European support for rural development, financed by the European Agricultural Fund for Rural Development established by Council Regulation (EC) No 1290/2005.

3.2 The relevant Regulations implement Commission Regulation (EC) 1974/2005 and Commission Regulation (EC) 1975/2006, in relation to the separate parts of Council Regulation (EC) No 1698/2005 to which they relate. Commission Regulation (EC) 1975/2006 was revoked and replaced on 1 January 2011 by Commission Regulation (EU) 65/2011. Commission Regulation (EC) 1975/2006 contained many cross-references to the control rules set out in Regulation (EC) No 796/2004. Regulation (EC) No 796/2004 was revoked and replaced by Regulation (EC) No 1122/2009, and as such, Commission Regulation (EC) No 1975/2006 required to be replaced. The principles of Commission Regulation (EC) No 1975/2006 have been largely respected in Commission Regulation (EU) 65/2011.

3.3 The amendments are largely technical to ensure that enforcement of the relevant Regulations can continue to be carried out appropriately under the correct EU law which is, in any event, directly applicable. These changes are being made at the earliest opportunity, taking into account the election period. Similar changes have already been made to a number of other Regulations which implement the SRDP.

4. Territorial Extent and Application

4.1 The 2011 Regulations apply to Scotland only.

5. Impact

5.1 A Business and Regulatory Impact Assessment has not been produced for the 2011 Regulations as no impact on the private or voluntary sectors is foreseen.