

2013 No. 265

AGRICULTURE

The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2013

Made - - - - *10th September 2013*

Laid before the Scottish Parliament *12th September 2013*

Coming into force - - *16th October 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2013 and come into force on 16th October 2013.

Amendment of the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011

2.—(1) The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011(b) are amended in accordance with this regulation.

(2) In regulation 6(1) (voluntary modulation) after “year” insert “prior to the year 2013”.

(3) After regulation 6 insert—

“Voluntary adjustment of direct payments in 2013

6A.—(1) For the purposes of calculating the total amount of direct payments to be paid to a farmer for 2013, the Scottish Ministers must, in application of Article 10b of Council Regulation 73/2009(c), deduct a sum equal to the specified proportion of the relevant amount.

(2) In accordance with Article 10b(4) of Council Regulation 73/2009, the Scottish Ministers must apply the sum deducted under paragraph (1) for one or more of the relevant purposes.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2011/416.

(c) OJ L 30, 31.1.2009, p.16, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1). Article 10b was inserted by Article 1 of Regulation (EU) No 671/2012 (OJ L 204, 31.7.2012, p.11).

(3) In this regulation—

“the relevant amount” means the amount which would have been granted to the farmer in respect of the year 2013 before the application of Article 10a of Council Regulation 73/2009(a);

“the relevant purposes” means support for measures under the following provisions of Council Regulation 1698/2005(b)—

- (a) Articles 20 to 33 (measures improving the competitiveness of the agricultural and forestry sector);
- (b) Articles 36 to 49 (measures improving the environment and the countryside);
- (c) Articles 52 to 59 (measures as regards the quality of life in rural areas and diversification of the rural economy); or
- (d) Articles 61 to 65 (Leader); and

“the specified proportion” means the percentages given in the following table:—

<i>Amount of Direct Payment (€ Euros)</i>	<i>Specified Proportion</i>
Less than € 5,000	9%
€ 5,000 and higher but less than € 300,000	4%
€ 300,000 and higher	0%”

St Andrew’s House,
Edinburgh
10th September 2013

RICHARD LOCHHEAD
A member of the Scottish Government

(a) Article 10a was inserted by Article 1 of Regulation (EU) No 671/2012 (OJ L 204, 31.7.2012, p.11).
(b) OJ L 277, 21.10.2005, p.1, as last amended by Regulation (EU) No 1312/2011 (OJ L 339, 21.12.2011, p.1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new regulation 6A into the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416) to implement the provisions of Article 10b of Council Regulation (EC) No 73/2009 (OJ L 30, 31.1.2009, p.16) and Commission Implementing Decision 2013/146/EU (OJ L 82, 22.3.2013, p.58) for 2013.

This requires the Scottish Ministers to deduct a specified proportion, as calculated in accordance with regulation 6A, from the total amount of direct payments which would otherwise have been granted to the farmer. Ministers must apply the sum deducted as additional support for rural development measures under Council Regulation (EC) No 1698/2005 (OJ L 277, 21.10.2005, p.1).

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

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