

## **POLICY NOTE**

### **THE COMMON AGRICULTURAL POLICY (DIRECT PAYMENTS ETC.) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2017**

**SSI No 2017/317**

#### **Introduction**

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure. It was made and laid before the Scottish Parliament on 28 September 2017 and its provisions will come into force on 9 October 2017.

#### **Non-compliance with 28-Day Laying Period**

2. Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with in respect of these Regulations which extend an application submission deadline in 2017 (from 16 October to 30 November) to allow more time for farmers to submit their applications for subsidy under the Scottish Upland Sheep Support Scheme (SUSSS) 2017: This is the voluntary coupled support scheme for ovine animals operated in Scotland under Article 52 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013.

3. The Scottish Ministers recognise that this is an exceptional but necessary step because the Instrument could not be made until the farming industry's request for the extension due to exceptional wet weather had been considered and agreed by the Cabinet Secretary for Rural Economy and Connectivity. It was not possible, therefore, to make and lay the instrument before 28 September, but for reasons of transparency and in order to provide legal certainty for farmers, land managers and agents, this Instrument amends the deadline and comes into force on 9 October 2017: one week before the existing submission deadline. Land managers, farmers, and agents have all been made aware through administrative means of the extension to the deadline through revised guidance, giving prominence to the change on the Scottish Government CAP website, and liaison with representative farming bodies.

#### **Background**

4. The Agriculture Council and the European Parliament reached a political agreement about the reform of the CAP in June 2013. A new direct payments system for farmers

replaced the Single Payment Scheme (SFPS) from 1st January 2015 through a revised legislative framework. The new CAP is set out in European Regulations, including Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers, as supplemented by a number of Commission delegated and implementing Regulations. Certain provisions of this European regulatory framework are directly applicable but it also affords some discretion to Member States to adapt some of the arrangements for the implementation of the schemes to their own particular circumstances. As agriculture is a devolved matter and in light of the public engagement undertaken, the Scottish Ministers have already made certain decisions about how the direct payments regime will be implemented and these were given effect through the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (S.S.I. 2015/58) (“the principal Regulations”), as amended. This Instrument further amends the principal Regulations to extend the SUSSS application deadline in relation to calendar year 2017 until 30 November. This follows a request by the farming industry to extend it due to farmers and crofters experiencing practical difficulties in submitting their applications by the current deadline of 16 October due to the extreme wet weather experienced in Scotland this year. Farmers and crofters are unable to get livestock off the hill land to draw and tag potentially eligible animals to claim. However, the eligibility conditions applicable to SUSS remain unchanged.

### **Outline of Changes and effect of the instrument**

5. Paragraph 6 of Part 2 of schedule 3 of the principal Regulations states that an applicant may, during the period beginning 1<sup>st</sup> September and ending on 16<sup>th</sup> October in any calendar year, submit to the Scottish Ministers for a Scheme payment in respect of any eligible ovine animal. The amendments made to the principal Regulations by regulation 2 of this Instrument make provision, in respect of the current calendar year, for an extended application window for applications for support under the voluntary coupled support for ovine animals. Regulation 2 amends paragraph 6 of Part 2 of schedule 3 of the principal Regulations so that, in respect of calendar year 2017, the final date for submitting an application is 30<sup>th</sup> November. For all other calendar years the final date for submitting an application remains 16<sup>th</sup> October.

## **Impact Assessments**

6. No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen. In terms of the assessment of the impact of the implementation of the reformed CAP in Scotland, on people with 'protected characteristics' (age, disability, sex, gender reassignment, race, religion or belief, sexual orientation) an Equality Impact Assessment has been undertaken in 2015 and the findings are still applicable in full. A copy can be accessed using the following link:-

<http://www.scotland.gov.uk/Topics/People/Equality/18507/EqualityImpactAssessmentSearch>

## **Financial Effects**

7. The Scheme covered by this instrument will contribute to enabling the Scottish Ministers to pay around £6.75 million per annum.

Scottish Government Rural Payments and Inspections Division

28 September 2017