

## SCOTTISH STATUTORY INSTRUMENTS

### 2019 No. 60

## The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019

### PART 3

Amendment of secondary legislation relating to withdrawal from the European Union

#### The Crofting Counties Agricultural Grants (Scotland) Scheme 2006

3.—(1) The Crofting Counties Agricultural Grants (Scotland) Scheme 2006 <sup>M1</sup> is amended as follows.

(2) In paragraph 2(1) (interpretation), in the definition of “Commission Regulation 65/2011”, at the end insert “ (except in relation to paragraph 6(4)(c)) ”.

(3) In paragraph 6(4)(c) (restrictions on payment of grant), after “65/2011” insert “ as that Article of that Commission Regulation had effect immediately before [<sup>F1</sup>IP completion day] ”.

(4) In paragraph 11A (power of authorised persons), for sub-paragraph (5) substitute—

“(5) An authorised person entering any land under sub-paragraph (1) may be accompanied by such other person as the authorised person considers necessary, and sub-paragraphs (3) and (4) shall apply to that person when acting under the instructions of an authorised person as they apply to an authorised person.”.

**F1** Words in reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(2)**

#### Commencement Information

**II** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

#### Marginal Citations

**M1** [S.S.I. 2006/24](#); relevant amending instruments are [S.S.I. 2008/58](#) and [S.S.I. 2015/105](#).

#### The Less Favoured Area Support Scheme (Scotland) Regulations 2010

4. In regulation 13(1) (powers of authorised persons) of the Less Favoured Area Support Scheme (Scotland) Regulations 2010 <sup>M2</sup>, for paragraph (a) substitute—

“(a) verification of the accuracy of an application by carrying out administrative and periodic checks which are required under—

(i) Article 11 of Commission Regulation 65/2011;

(ii) Articles 12 and 20 of Commission Regulation 65/2011 as it had effect immediately before exit day; or

*Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019, PART 3. (See end of Document for details)*

(iii) Titles III and V of the Horizontal Delegated Regulation; or”.

**Commencement Information**

**I2** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

**Marginal Citations**

**M2** [S.S.I. 2010/273](#); relevant amending instruments are [S.S.I. 2011/73](#) and [S.S.I. 2015/185](#).

**The Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014**

**5.** In regulation 5 (powers of authorised persons) of the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014, for paragraph (5) substitute—

“(5) An authorised person entering any premises by virtue of this regulation may be accompanied by such other person as the authorised person considers necessary.”.

**Commencement Information**

**I3** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

**The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015**

**6.—(1)** The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015<sup>M3</sup> are amended as follows.

<sup>F2</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F4</sup>(4) .....

<sup>F5</sup>(5) .....

(6) In regulation 19 (powers of authorised persons), for paragraph (5) substitute—

“(5) An authorised person entering any premises by virtue of this regulation may be accompanied by such other person as the authorised person considers necessary.”.

<sup>F6</sup>(7) .....

**F2** Reg. 6(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(3)**

**F3** Reg. 6(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(3)**

**F4** Reg. 6(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(3)**

**F5** Reg. 6(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(3)**

**F6** Reg. 6(7) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(3)**

**Commencement Information**

**I4** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)(b)

**Marginal Citations**

**M3** S.S.I. 2015/58; relevant amending instrument is S.S.I. 2017/98.

**The Rural Development (Scotland) Regulations 2015**

7.—(1) The Rural Development (Scotland) Regulations 2015 <sup>M4</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “service level agreement” substitute—

““service level agreement”, except in relation to regulation 21(3) (agency arrangements), means an agreement between the Scottish Ministers and an accountable body for the purposes of—

(a) Article 7(1) of the Horizontal Regulation, and

(b) Article 1 of, and Annex I(1)(C) to, Commission Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro <sup>M5</sup> as it had effect immediately before [<sup>F7</sup>IP completion day];”,

(b) for the definition of “SRDP” substitute—

““SRDP” means the Scottish Rural Development Programme—

(a) as approved by the European Commission in respect of Scotland in accordance with Article 10(2) of the Rural Development Regulation and Article 29(4) of the Common Provisions Regulation, as those Regulations had effect immediately before [<sup>F7</sup>IP completion day]<sup>M6</sup>,

(b) as amended pursuant to Article 11 of the Rural Development Regulation and Article 30 of the Common Provisions Regulation, as those Regulations had effect immediately before [<sup>F7</sup>IP completion day]<sup>M7</sup>, and

(c) as may from time to time be supplemented or amended, on or after [<sup>F7</sup>IP completion day], by the Scottish Ministers in accordance with Article 11 of the Rural Development Regulation and Article 30 of the Common Provisions Regulation;”.

(3) In regulation 11 (powers of entry), for paragraph (6) substitute—

“(6) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other person as the authorised person considers necessary.”

<sup>F8</sup>(4) .....

(5) In regulation 18 (recovery of undue payments, interest and set-off)—

(a) in paragraph (2)(b), for “or the coordinating body” substitute “, the coordinating body or, on or after [<sup>F9</sup>IP completion day] , the appropriate authority ”,

(b) in paragraph (5)—

(i) before the definition of “the Bank of England base rate”, insert—

““the appropriate authority” means the Secretary of State, the Department of Agriculture, Environment and Rural Affairs, the Scottish Ministers and the Welsh Ministers acting jointly;”

- (ii) in the definition of “the coordinating body”, at the end insert— “ as those Regulations had effect immediately before [<sup>F9</sup>IP completion day]. ”.

- F7** Words in reg. 7(2) substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(4)**
- F8** Reg. 7(4) revoked (31.12.2020 immediately before IP completion day) by [The Seed, Propagating Material and Common Agricultural Policy \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/289\)](#), regs. 1(b), **6**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 7(5) substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(4)**

#### Commencement Information

- I5** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

#### Marginal Citations

- M4** [S.S.I. 2015/192](#).
- M5** OJ L 255, 28.8.2014, p.18, as last amended by Commission Delegated Regulation (EU) 2018/967 (OJ L 174, 10.7.2018, p.2).
- M6** As approved pursuant to Commission Implementing Decision C(2015) 3489 approving the rural development programme of Scotland for support from the European Agricultural Fund for Rural Development.
- M7** As last amended pursuant to Commission Implementing Decision C(2018) 8463 approving the amendment of the rural development programme of Scotland (UK) for support from the European Agricultural Fund for Rural Development.

### The Rural Payments (Appeals) (Scotland) Regulations 2015

**8.** In the Rural Payments (Appeals) (Scotland) Regulations 2015 <sup>M8</sup>, after regulation [<sup>F10</sup>10A] insert—

#### “Transitional provision for decisions on or after [<sup>F11</sup>IP completion day] in relation to EU instruments

[<sup>F12</sup>10B]. For the purposes of these Regulations, a “relevant decision” includes a decision made on or after [<sup>F11</sup>IP completion day] under and in accordance with any EU instrument specified in any of the paragraphs of the Schedule, so far as that EU instrument had effect immediately before [<sup>F11</sup>IP completion day].”.

- F10** Word in reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(5)(a)**
- F11** Words in reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(5)(c)**
- F12** Word in reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agriculture \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/368\)](#), regs. 1(2), **3(5)(b)**

**Commencement Information**

**I6** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

**Marginal Citations**

**M8** S.S.I. 2015/194.

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019, PART 3.