

2020 No. 368

EXITING THE EUROPEAN UNION

AGRICULTURE

ANIMALS

FOOD

HORTICULTURE

**The Agriculture (EU Exit) (Scotland) (Amendment) Regulations
2020**

Made - - - - *9th November 2020*

Laid before the Scottish Parliament *11th November 2020*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) and 11M of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018(a) and all other powers enabling them to do so.

In accordance with paragraph 4 of schedule 2 of the European Union (Withdrawal) Act 2018(b), the Scottish Ministers have consulted with the Secretary of State.

In accordance with Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c), the Scottish Ministers have consulted with representative bodies during the preparation, evaluation and revision of food law contained in these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Agriculture (EU Exit) (Scotland) (Amendment) Regulations 2020 and come into force in accordance with paragraphs (2) and (3).

(a) 2018 c.16 (“the 2018 Act”). Section 11M was inserted into the 2018 Act by section 22 of the European Union (Withdrawal) Act 2020 (c.1) (“the 2020 Act”).

(b) Paragraph 4 of schedule 2 of the 2018 Act was amended by section 27(7)(a) of the 2020 Act.

(c) OJ L 31, 1.2.2002, p.1, to which there are no relevant amendments to Article 9.

(2) This regulation and regulations 3 to 6 come into force immediately before IP completion day.

(3) Regulation 2 comes into force on IP completion day.

Amendment of the Eggs and Chicks (Scotland) (No. 2) Regulations 2008

2. In regulation 9(1) (derogations relating to the marking of eggs) of the Eggs and Chicks (Scotland) (No. 2) Regulations 2008(a) for “exclusively in the United Kingdom” substitute “in Great Britain”.

Amendment of the Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019

3.—(1) The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019(b) are amended as follows.

(2) In regulation 3(3) (the Crofting Counties Agricultural Grants (Scotland) Scheme 2006) for “exit day” substitute “IP completion day”.

(3) In regulation 6 (the Common Agricultural Policy (Direct Payment etc.) (Scotland) Regulations 2015) omit paragraphs (2), (3), (4), (5) and (7).

(4) In regulation 7(2) and (5) (the Rural Development (Scotland) Regulations 2015) for “exit day”, in each place it occurs, substitute “IP completion day”.

(5) In Regulation 8 (the Rural Payments (Appeals) (Scotland) Regulations 2015)—

(a) for “10” substitute “10A”,

(b) for “10A” substitute “10B”,

(c) for “exit day”, in each place it occurs, substitute “IP completion day”.

Amendment of the Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019

4.—(1) The Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019(c) are amended as follows.

(2) In regulation 3(11)(f) (amendment of the Marketing of Horticultural Produce (Scotland) Regulations 2009) for head (i) substitute—

“(i) for “the European Union” substitute “Great Britain””.

(3) In regulation 4(4)(g) (amendment of the Marketing of Bananas (Scotland) Regulations 2012) for head (i) substitute—

“(i) for “the European Union” substitute “Great Britain””.

Amendment of the Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019

5.—(1) The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019(d) are amended as follows.

(2) In regulation 3 (the Marketing of Horticultural Produce (Scotland) Regulations 2009), in the new regulation 25 to be inserted by that paragraph, for “exit day” in each place it occurs substitute “IP completion day”.

(a) S.S.I. 2008/395, relevantly amended by S.I. 2013/3235.

(b) S.S.I. 2019/60.

(c) S.S.I. 2019/169, prospectively relevantly amended immediately before IP completion day by S.S.I. 2019/289 (paragraph 1 of schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c.1) means that the amending provision comes into force immediately before IP completion day rather than immediately before exit day as drafted).

(d) S.S.I. 2019/209.

(3) In regulation 4(4) (the Rural Development (Scotland) Regulations 2015), in the new schedule 3 to be inserted by that paragraph, for “exit day”, in each place it occurs, substitute “IP completion day”.

Amendment of the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019

6.—(1) The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019^(a) are amended as follows.

(2) For regulation 5(7)(a) (amendment of the Poultrymeat (Scotland) Regulations 2011) substitute—

“(a) in paragraph 9(a) for “the European Union” substitute “Great Britain”, and”.

(3) In the text inserted by paragraphs 2(a) and 4(b) of regulation 6 (amendment of the Milk and Other Products (Pupils in Educational Establishments) (Scotland) Regulations 2017) for “exit day” in each place it occurs substitute “IP completion day”.

MAIRI GOUGEON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
9th November 2020

(a) S.S.I. 2019/347.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Scottish Ministers in exercise of the powers conferred by paragraphs 1(1) and (3) and 11M of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”). The Regulations are made in order to address failures of retained EU law to operate effectively arising as a result of the withdrawal of the UK from the European Union and to implement the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

These Regulations make amendments to legislation in the field of agriculture market measures and, in particular, amend legislation relating to eggs and chicks, horticulture, poultrymeat and school milk. They also amend legislation related to Common Agricultural Policy (“CAP”) schemes in Scotland.

The agriculture market measures amendments are to ensure the enforcement of marketing standards and common market organisation in these product sectors operate effectively at the end of the implementation period.

The CAP amendments are to ensure that domestic CAP legislation operates effectively at the end of the implementation period.

“The implementation period” means the transition or implementation period provided for by Part 4 of the withdrawal agreement and beginning with exit day (31 January 2020) and ending on IP completion day (see section 1A of the 2018 Act). “IP completion day” means 31 December 2020 at 11.00 p.m. (see section 1A(6) of the 2018 Act and section 39(1) to (5) of the European Union (Withdrawal Agreement) Act 2020 (c.1)).

No Business and Regulatory Impact Assessment has been prepared in relation to these Regulations as no significant impact upon business, charities or voluntary bodies is foreseen.

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