



Agriculture (Retained EU Law and Data) (Scotland) Act 2020

2020 asp 17

PART 1

RETAINED EU LAW

Direct payments, rural development support etc.

2 Power to simplify or improve CAP legislation

- (1) The Scottish Ministers may by regulations modify the main CAP legislation.
- (2) The Scottish Ministers may only make modifications under subsection (1) that they consider would simplify or improve the operation of the provisions of the legislation.
- (3) Regulations under this section are (if they have not been subject to the affirmative procedure) subject to the negative procedure.

Commencement Information

II S. 2 in force at 5.11.2020 by [S.S.I. 2020/315](#), [reg. 2\(b\)](#)

3 Power to provide for the operation of CAP legislation beyond 2020

- (1) The Scottish Ministers may by regulations modify the main CAP legislation for the purpose of securing that the provisions of the legislation continue to operate in relation to Scotland for one or more years beyond 2020.
- (2) The power conferred by subsection (1) includes power to make provision for determining, in respect of any year, a national ceiling of the kind referred to in Article 6 of the Direct Payments Regulation to be applicable in relation to Scotland for the year.
- (3) Provision made by virtue of subsection (2)—
 - (a) must require a determination in respect of a year to be published as soon as practicable after it has been made, and

Changes to legislation: *There are currently no known outstanding effects for the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, Cross Heading: Direct payments, rural development support etc.. (See end of Document for details)*

- (b) may confer functions on any appropriate person in connection with, or with the making of, a determination in respect of a year.

(4) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I2 [S. 3](#) in force at 5.11.2020 by [S.S.I. 2020/315](#), [reg. 2\(c\)](#)

4 Power to modify financial provision in CAP legislation

(1) The Scottish Ministers may by regulations modify any provision of the main CAP legislation relating to—

- (a) the setting or determining of ceilings on the amounts of any payments or expenditure for any purpose under the legislation,
- (b) the reallocation or transfer of amounts or proportions of such ceilings between or among different purposes under the legislation.

(2) The provisions of the main CAP legislation that may be modified under subsection (1) include in particular—

- (a) Articles 6, 7, 11 and 14 of the Direct Payments Regulation,
- (b) Articles 58 and 59 of the Rural Development Regulation,
- (c) Articles 30 and 32 of the Horizontal Regulation.

(3) Regulations under this section are subject to the affirmative procedure.

(4) In this section, “ceilings” includes limits and other restrictions.

Commencement Information

I3 [S. 4](#) in force at 5.11.2020 by [S.S.I. 2020/315](#), [reg. 2\(d\)](#)

5 Duration of the powers under sections 2, 3 and 4

(1) No regulations may be made under section 2(1), 3(1) or 4(1) after 7 May 2026.

(2) Subsection (1) does not affect the continuation in force of any regulations made under section 2(1), 3(1) or 4(1) before that date.

Changes to legislation:

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