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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**The Rural Development (EU Exit)  
(Scotland) (Amendment) Regulations 2020**

**Amendment of the Rural Development Regulation**

- 4.—(1) The Rural Development Regulation<sup>(1)</sup> is amended as follows.
- (2) In Article 2(1) (definitions)—
- (a) omit ““less developed regions” and”,
  - (b) for “points (a) and (b)” substitute “point (b)”.
- (3) In Article 3 (mission) omit “and to less developed regions”.
- (4) In Article 8(1) (content of rural development programmes)—
- (a) for point (h)(i) substitute—
    - “(i) a table setting out the total core contribution, as determined by the Scottish Ministers in accordance with Article 58. When applicable this table shall indicate separately within the total core contribution the funds transferred to the support for rural development in application of Article 11(4A) of Regulation (EU) No 1307/2013;”,
  - (b) in point (j) omit “national”.
- (5) In Article 11 (amendment of rural development programmes), for the words from “The appropriate authority” to “the following:” substitute—  
“The Scottish Ministers may supplement or amend the rural development programme for the following purposes:”
- (6) In Article 28(5) (agri-environment-climate), for “five” substitute “one”.
- (7) In Article 29(3) (organic farming), for “five” substitute “one”.
- (8) In Article 39b(5) (exceptional temporary support to farmers and SMEs particularly affected by the COVID-19 crisis)—
- (a) for “EUR 7 000” substitute “GBP 5,833”,
  - (b) for “EUR 50 000” substitute “GBP 41,667”.
- (9) In Article 45(5) (investments), for “EUR 200 000” substitute “GBP 166,667”.
- (10) Omit Article 51(3).
- (11) For Article 58 (resources and their distribution) substitute—

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(1) EUR 1305/2013. See section 1(4) of the 2020 Act for the definition of “Rural Development Regulation”. The Regulation is relevantly prospectively amended by [S.I. 2019/764](#) and [S.I. 2019/748](#). The amending instruments, which bear to come into force on exit day, will come into force on IP completion day by virtue of paragraph 1 of schedule 5 to the European Union (Withdrawal Agreement) Act [2020 \(c.1\)](#).

*“Article 58*

***Resources and their distribution***

1. Without prejudice to paragraphs 3, 5 and 7 of this Article, the core contribution to rural development under this Regulation (“core contribution”) is the amount determined by the Scottish Ministers.
  2. The Scottish Ministers must determine the core contribution before the start of the relevant financial year.
  3. The Scottish Ministers must include in the core contribution any funds transferred, or to be transferred, in respect of the relevant year under Articles 11(4A) and 14 of Regulation (EU) No 1307/2013.
  4. When the core contribution has been determined, the Scottish Ministers must publish that amount as soon as practicable after that determination has been made.
  5. The Scottish Ministers may review the core contribution determined under paragraph 2, and for that purpose may have regard to:
    - (a) any transfer of funds under Articles 11(4A) and 14 of Regulation (EU) No 1307/2013;
    - (b) any legislative change after the determination; and
    - (c) such other matters as they consider appropriate.
  6. A review under paragraph 5 (including a further review) may be carried out before or during the relevant financial year.
  7. The Scottish Ministers may adjust the core contribution after carrying out a review under paragraph 5 provided that they do so before the end of the relevant financial year.
  8. When the Scottish Ministers adjust the core contribution under paragraph 7 they must publish the adjusted amount as soon as practicable after making that adjustment.
  9. In this Article, “financial year” means a period of 12 months beginning with 1 April.”.
- (12) In Article 59 (fund contribution)—
- (a) omit paragraphs (1) and (2),
  - (b) in paragraph 3—
    - (i) omit “less-developed regions, as well as for”,
    - (ii) omit points (a) and (b),
    - (iii) in point (c), omit the words from “other” to the end,
  - (c) in paragraph 4—
    - (i) in point (a)—
      - (aa) omit “less developed regions and of”,
      - (bb) for “points (b) and” substitute “point”,
    - (ii) in point (e), for “Article 136a(1) of Regulation (EC) No 73/2009 and Article 7(2) and 14(1)” substitute “Article 11(4A) and Article 14”,
  - (d) for paragraphs 5 and 6 substitute—
    5. The funding allocated to LEADER must be equivalent to at least 5% of the total core contribution to the rural development programme.
    6. The funding allocated to measures under the following Articles must be equivalent to at least 30% of the total core contribution to the rural development programme: Article

17 for environment and climate related investments; Articles 21, 28, 29 and 30, with the exception of Water Framework Directive related payments; and Articles 31, 32 and 34.”.

(13) In Article 86 (processing and protection of personal data), in paragraphs 3 and 4, in both places it occurs, for “[Directive 95/46/EC](#) and Regulation ([EC](#)) No 45/2001” substitute “Regulation (EU) No 2016/679 and the Data Protection Act 2018(2)”.

(14) Omit Annex I.

(15) In Annex II (amounts and support rates)—

(a) in the heading to the third column, for “EUR” substitute “GBP”,

(b) in each place where the following figures occur—

(i) for “600” substitute “500”,

(ii) for “900” substitute “750”,

(iii) for “450” substitute “375”,

(iv) for “200” substitute “167”,

(v) for “500” substitute “417”,

(c) in the row for Article 15(8)—

(i) for “1 500” substitute “1,250”,

(ii) for “200 000” substitute “166,667”,

(d) in the row for Article 16(4), for “3 000” substitute “2,500”,

(e) in the row for Article 19(6)—

(i) in both places it occurs, for “70 000” substitute “58,333”,

(ii) for “15 000” substitute “12,500”,

(f) in the row for Article 27(4), for “100 000” substitute “83,333”,

(g) in the row for Article 30(7), for “50” substitute “42”,

(h) in the row for Article 31(3)—

(i) for “25” substitute “21”,

(ii) for “250” substitute “208”.