
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 9

AGRICULTURE

The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2021

<i>Made</i>	- - - -	<i>12th January 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th January 2021</i>
<i>Coming into force</i>	- -	<i>14th March 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(1), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2021 and come into force on 14 March 2021.

Amendment of the Direct Payments Regulation

2. In Article 14 (flexibility between pillars) of the Direct Payments Regulation(2), omit “its share of”.

Amendment of Commission Delegated Regulation (EU) 640/2014

3. In Article 31(2) (administrative penalties in respect of declared animals under the animal aid schemes or animal-related support measures) of Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to

(1) 2020 asp 17.

(2) EUR 1307/2013, as relevantly amended by S.I. 2020/91 and S.S.I. 2020/460. This Regulation was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2) (“the 2020 Act”).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

direct payments, rural development support and cross compliance⁽³⁾, insofar as it relates to direct payments, omit from “, if it is not more than 10%,” to the end.

St Andrew’s House,
Edinburgh
12th January 2021

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

⁽³⁾ EUR 640/2014, as relevantly amended by [S.I. 2020/90](#). This Regulation was incorporated into domestic law on exit day, insofar as it relates to direct payments, by section 1 of the 2020 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations simplify and improve retained EU law relating to the operation of Common Agricultural Policy (CAP) direct payment schemes in Scotland from 2021 onwards.

Regulation 2 removes wording from Article 14 of Regulation (EU) 1307/2013 (the “Direct Payments Regulation”) to ensure consistency with other amendments made to the Direct Payments Regulation by the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020.

Regulation 3 amends Article 31 of Regulation (EU) 640/2014 to simplify and improve the operation of the penalties that are applied under Scotland’s Voluntary Coupled Support Schemes (the Scottish Upland Sheep Support Scheme and the Scottish Suckler Beef Support Scheme (Mainland and Islands)) for over declaration of eligible animals. The existing tiered penalty regime, which contains five levels, is replaced by a single level where all penalties are calculated on the basis of a straight reduction to the payment due by the percentage error rate. The percentage error rate is calculated based on the number of ineligible animals compared to eligible animals claimed by an applicant.

No business or regulatory impact assessment has been prepared in relation to these Regulations as no impact upon business, charities or voluntary bodies is foreseen.