
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 178

AGRICULTURE

The Common Agricultural Policy (Direct Payments etc.) (Scotland) Amendment (No. 2) Regulations 2016

<i>Made</i>	- - - -	<i>17th May 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th May 2016</i>
<i>Coming into force</i>	- -	<i>18th May 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Direct Payments etc.) (Scotland) Amendment (No. 2) Regulations 2016.

(2) These Regulations come into force on 18th May 2016.

Amendment to the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

2. Regulation 6 (applications and date on which land must be at farmer’s disposal) of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015⁽²⁾ is amended as follows—

(a) in paragraph (1)⁽³⁾, for “Subject to paragraph (1A)” substitute “Subject to paragraphs (1A) and (1B)”; and

(b) after paragraph (1A)⁽⁴⁾ insert—

“(1B) For the purposes of Article 13(1) of the Horizontal Implementing Regulation and Article 1 of Commission Implementing Regulation (EU) 2016/761 derogating from

(1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2015/58, as amended by S.S.I. 2015/194, S.S.I. 2015/215 and S.S.I. 2016/104.

(3) Paragraph (1) was amended by S.S.I. 2015/215.

(4) Paragraph (1A) was inserted by S.S.I. 2015/215.

Implementing Regulation (EU) No 809/2014 as regards the final date of submission of the single application, aid applications or payment claims, the final date for notification of amendments to the single application or payment claim and the final date for applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme for the year 2016⁽⁵⁾, the final date by which a single application, aid application or payment claim may be submitted to the Scottish Ministers in respect of calendar year 2016, is 15th June 2016.”.

3. Regulation 9 (transfer of payment entitlements) of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 is amended as follows—

- (a) in paragraph (3)⁽⁶⁾, for “For the purposes of” substitute “Subject to paragraph (3A), for the purposes of”; and
- (b) after paragraph (3) insert—

“(3A) For the purposes of Article 3 of Commission Implementing Regulation (EU) 2016/761 derogating from Implementing Regulation (EU) No 809/2014 as regards the final date of submission of the single application, aid applications or payment claims, the final date for notification of amendments to the single application or payment claim and the final date for applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme for the year 2016, an application for the allocation of, or the increase of the value of, payment entitlements must be submitted, in respect of calendar year 2016, not later than 15th June 2016.”.

St Andrew’s House, Edinburgh
17th May 2016

RICHARD LOCHHEAD
A member of the Scottish Government

(5) OJ L 126, 14.5.2016, p.67.

(6) Regulation 9(3) was substituted by [S.S.I. 2015/215](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (“the principal Regulations”), which make provision in Scotland for the administration of Regulation (EU) No 1307/2013 (OJ L 347, 20.12.2013, p.608) (“the Direct Payments Regulation”), and other associated EU regulations as referred to in regulation 2(1) of the principal Regulations.

The amendments made to the principal Regulations by regulations 2 and 3 make provision for the exercise of derogations in respect of deadlines for relevant applications applicable to calendar year 2016, in accordance with Articles 1 and 3 of Commission Implementing Regulation (EU) 2016/761.

Regulation 2 amends regulation 6 of the principal Regulations so that, in respect of calendar year 2016, the final date for submission of a single application, aid application or payment claim is 15th June 2016.

Regulation 3 inserts a new regulation 9(3A) to the principal Regulations to provide that, in respect of calendar year 2016, the final date for submission of an application for the allocation of, or an increase of the value of, payment entitlements is 15th June 2016. In the case of any other subsequent calendar year, the relevant date remains as 15th May or the next working day (in any year where that date falls on a Saturday, Sunday, Bank Holiday or other public holiday).

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