



Delegated Powers and Law Reform Committee

George Adam MSP
Minister for Parliamentary Business
Via email

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Dear George

At its meeting on Tuesday, 26 April, the Delegated Powers and Law Reform Committee considered the [Rural Support \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2022](#) (SSI 2022/107); an instrument which is made in an area formerly governed by EU law.

As you may be aware, on 5 April 2022, the Committee wrote to the Scottish Government to highlight difficulties it identified that arose from there being parallel texts, or parallel versions, of some of the legislation which is being amended. This has come about because the legislation which is being amended was brought over from EU law into domestic law early, on 31 January 2020, as it applies to direct payment support; and the same legislation was then brought over later, on 31 December 2020, as it applies to agricultural support. Between those two dates, the legislation was amended as it applies to direct payments, resulting in some of the provisions saying a different thing in relation to direct payments and to agricultural support respectively. In the Scottish Government's response to the Committee's letter, officials acknowledged that the background to the legislation currently being amended creates an extremely complex position for the user of the legislation.

At its meeting on 26 April, the Committee considered that it could be clearer what the effect is of the substitution made by regulation 3(2) on the version of Article 24(4) of Commission Implementing Regulation (EU) No. 809/2014 as it applies to direct payment support as well as the version as it applies to agricultural support. As you will see from the [Committee's published report](#) on the instrument [add link], the Committee agreed to draw the SSI to the attention of the Parliament under reporting ground (h) that the meaning could be clearer. It also agreed to invite the Scottish Government to consider legislating to make it easier for the user to

understand the provisions of Commission Implementing Regulation (EU) No. 809/2014 which apply differently in relation to direct payment support and to agricultural support.

The Committee would therefore be grateful to know, given the complex nature of these regulations, whether the Scottish Government intends to undertake any further legislative work in this area to seek to make this complex area of law more comprehensible.

Full details of the Committee's discussion on the instrument can be found in the [Official Report](#) of the meeting.

I would be grateful for a response by **Friday, 27 May 2022**.

I look forward to hearing from you.

Yours sincerely

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee