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Reform Committee

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Dear Stuart

THE RURAL SUPPORT (CONTROLS) (CORONAVIRUS)(SCOTLAND) REGULATIONS 2022

We write in response to your letter of 29 April 2022 in respect of the Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2022 (“SSI 2022/107”).

We note that the Committee invited the Scottish Government to consider legislating to make it easier for the users of Commission Implementing Regulation (EU) No. 809/2014 (“Regulation 809/2014”) to understand which provisions apply in relation to direct payment support and to agricultural support.

You have asked whether, 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.

The complexities in the retained EU legislation on the Common Agricultural Policy (CAP) have arisen, as you note, as a result of the legislation on direct payments and agricultural support being rolled over under UK Government legislation in two separate stages. The same issue arises in other CAP horizontal regulations (see Regulations (EU) Nos 1306/2013, 640/2014, 907/2014 and 908/2014).

The Scottish Government considers that the undesirable complexity of some CAP rules necessarily follows from the manner in which the relevant EU law has been retained as domestic law.

There is therefore no immediate intention to legislate further on this issue with regard to Regulation 809/2014 or other measures where parallel versions of the old EU rules are in force. We will however continue to improve and simplify the current CAP rules when there is an opportunity to do so, and will where practicable address issues around parallel versions when doing so. Careful consideration is given to the most appropriate way of making amendments such as these.

The Scottish Government intends to address the structural issues in current CAP rules in a proposed new Agriculture Bill and associated secondary legislation, which will form the basis for a new post-Brexit rural support framework for Scotland.

Kind regards

GEORGE ADAM