



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 3 December 2025  
SP paper 917  
10th Report, 2025 (Session 6)

## Rural Affairs and Islands Committee

# Subordinate legislation considered by the Rural Affairs and Islands Committee on 26 November 2025



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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**Evelyn Tweed**  
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# Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of:
  - [The Rural Support \(Improvement\) \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Regulations 2025](#); and
  - [The Sheep Carcase \(Classification and Price Reporting\) \(Scotland\) Regulations 2025](#).

2. **The Committee agreed by division to recommend to the Parliament that it approve the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025.**
3. **The Committee agreed to recommend to the Scottish Parliament that it approve the Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations 2025.**

# Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 [draft]

4. The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 [draft] were laid before the Scottish Parliament on 10 October and were referred to the Rural Affairs and Islands Committee for consideration. The draft regulations are subject to the affirmative procedure, meaning they must be approved by the Scottish Parliament before coming into force.
5. The draft regulations relate to two elements of agricultural payments in Scotland:
  - **Ecological Focus Areas (EFAs)** - require farmers to manage a designated area of land using climate and nature-friendly practices. Achieving EFA conditions forms part of eligibility criteria for Tier 2 payments which supplement the Basic Payment Scheme (BPS);
  - **Scottish Suckler Beef Support Scheme (SSBSS)** - a direct payment for farmers with suckler beef herds to help sustain numbers.
6. With respect to changes in EFA requirements, the draft regulations would remove exemptions currently in place for certain farm businesses from EFA conditions if their land is comprised of more than 75% of the area claimed within the BPS from temporary grass, herbaceous forage, fallow or leguminous crops, or more than 75% of the arable land from temporary or permanent grassland or herbaceous forage. The draft regulations also makes a number of additional changes to the EFAs regime, namely:
  - Add four new options farmers can undertake in order to meet their EFA requirements (low input grassland, herb and legume rich pastures, unharvested crop and low density woodland planting);
  - Increase the proportion of land managed as EFA to 5% in 2026 and 7% from 2027;
  - Increase the field margin requirement from 1 to 3 metres; and
  - Make changes to how farmers use maps for managing their EFA land and access payments.
7. The policy note states that the proposed changes would "increase the number of businesses required to undertake EFA, increase the area of land managed as EFA and widen the options and choices available for those undertaking EFA". The changes to EFAs are being developed by the Scottish Government alongside wider reforms to Tier 2 Enhanced payments, which the policy note explains "has the clear purpose of incentivising and supporting agricultural businesses to undertake best practices and/or actions that actively improve nature and climate outcomes, that are consistent with the transition towards sustainable and regenerative farming".
8. If passed, provisions in the draft regulations relating to EFAs would take effect from

31 December 2025.

9. In relation to the SSBSS, under new rules due to take effect from 1 January 2026, farmers must abide by a 410-day calving interval thresholds in order to meet payment criteria. The draft regulations would introduce a derogation from calving interval conditions for farmers with small herds of 10 calves or fewer in a scheme year. The policy note states that "The policy rationale for this change is to take a balanced approach to delivering environmental conditionality whilst supporting smaller businesses". In addition, the draft regulations would extend the end of the SSBSS application submission period in order to allow applications to be made up to 14 January following the end of the relevant calendar year.

# Delegated Powers and Law Reform (DPLR) Committee consideration

10. The DPLR Committee considered the instrument on 11 November 2025 and [reported on it in its 84th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

# Rural Affairs and Islands Committee consideration

11. To inform its consideration of the draft regulations, the Committee launched a call for written evidence. The call for views opened on 31 October and closed on 14 November. A total of 27 responses were received by the Committee, [which have been published on the Scottish Parliament website](#).
12. The Committee took evidence on the instrument from [the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 26 November 2025](#).
13. The Minister gave opening remarks, setting out the primary objectives of the draft regulations. He said "the regulations mark a significant point in our progress towards our aim of becoming a world leader in sustainable and regenerative agriculture, and they deliver on our previous commitments". He added that "failure to bring the regulations into force would undermine progress and the efforts and work of many of our farmers and crofters who are already committed to making those improvements".
14. A summary of the key themes explored by the Committee during the evidence session are discussed below.

## Wider issues relating to agricultural subsidy reform

15. Members questioned the Scottish Government's progress in developing a new Tier 2 Enhanced payment scheme. The Minister said the Scottish Government was working in collaboration with the farming sector to roll out new payment measures at a pace that was feasible for the industry. The Committee asked if the Minister was committed to a new Tier 2 Enhanced scheme. The Minister responded, saying that "we are already starting to develop the Tier 2 scheme, and this [SSI] is part of that scheme". The Committee probed what further measures were being developed beyond 2027. The Minister said "we will be taking forward considerations with ARIOB and stakeholders on how we will increase the biodiversity and carbon emissions gains through farming".
16. The Committee queried the effectiveness of the Scottish Government's approach to co-design with the farming industry. The Minister said there was regular engagement between Scottish Government officials and farming stakeholders to discuss its policy proposals. He went on to say that "there has not always been agreement on what we are trying to do, but there has been that conversation".
17. The Committee asked if the Scottish Government's IT system for rural payments was a barrier to establishing a new Enhanced Tier 2 scheme. The Minister said that "the IT system is not in my consideration at the moment" adding that "the biggest consideration in my thinking now is how we get policies that the industry will buy into, come with us on and deliver".

## Changes to EFA requirements

### New EFA options

18. The potential biodiversity gains as a result of the draft regulations were discussed by the Committee. The Minister gave a number of examples of how practical measures relating to nitrogen-fixed crops, tree-planting and mixed crops could deliver noticeable improvements to the biodiversity on farmlands. He noted "we are asking farmers to consider their particular circumstances—how their farm works, how it functions and what they need to do with it—and look at all the options that are available to them".
19. When asked by the Committee why the Scottish Government had not developed a more comprehensive list of options, the Minister responded that "we have put in four options for enhanced screening because they are the options that people will be able to buy into and with which people will come with us on that journey". The Committee probed that some stakeholders had expected a wider list of options. The Minister said that "not everybody is going to get everything they want out of this—that is just the way it goes".
20. The Committee explored to what extent the EFA requirements incorporated distinct agricultural practices amongst farmers in island communities. A Scottish Government official said "we are extremely keen to make sure that practices that are unique to the islands are not disrupted". Officials pointed to changes to requirements regarding undersowing of grass within arable crop, a common practice in Orkney, as an example of how these considerations were embedded in the new EFA options. Similarly, officials noted that "we have specifically made reference to EFAs on the machairs to allow flexibility, recognising that the practice that is undertaken there is unique to the islands".
21. The Committee questioned if permanent grassland was being considered as an option for Enhanced Tier 2 payments. The Minister said this was not under active consideration, but noted that any future schemes would be subject to dialogue with industry.

### Engagement and support for farmers

22. The Committee questioned how the Scottish Government was reassuring farmers who have concerns about making the changes to EFAs. A Scottish Government official said:

**”** We are always available in our network of 16 area offices around the countryside, which are all open, and we would encourage people who have any doubts or concerns to come and speak to us. We have a very good relationship with farmers and crofters on the ground, particularly through the area office network. They are often more comfortable coming and speaking to a local agricultural officer to get an understanding of what is going on.
23. The Committee asked how the Scottish Government was supporting the dairy sector to achieve new EFA requirements. The Minister explained that "there are options available for the dairy sector, but anyone who puts anything into the ground

has the option of adding additional plants and legumes into their mix, which will allow them to adopt the policies that we are looking to develop".

24. Members explored how the Scottish Government intends to support farmers in island communities to achieve EFA requirements. A Scottish Government official told members that "we have worked very heavily with people in Orkney, and—from the feedback that I have had— with a lot of good will, to help them to understand the requirements and to get them into a position in which they are ready to implement". He outlined a number of actions the Scottish Government has taken forward through its local area offices to communicate with farmers in island areas to make them aware of the changes to EFA requirements and the options available to them. These options include working with land agents to share information and holding public meetings with farmers in their localities.

## **Other issues relating to the draft regulations**

25. The Committee queried the Scottish Government's decision to increase field margins, and whether the changes were evidence-led. A Scottish Government official confirmed that the extension of field margins to 3 metres followed advice received from NatureScot, which suggested the proposed changes would enhance biodiversity.
26. The Committee discussed the proposed increases in the proportion of land managed by EFAs to 5% in 2026 and 7% in 2027. The Minister explained that the Scottish Government had arrived at the 7% figure because it "was a stable and suitable compromise to reach at this stage". Members noted that the National Farmers Union Scotland (NFUS) had raised concerns about the increases in land managed as EFA. The Minister said "the concerns [from NFUS] are indicative of the fact that we will have difficulties in getting people to where we want everyone to be". The Committee probed if the Scottish Government would consider making further increases to EFA land after 2027. The Minister responded that his focus was on delivering the current ambitions up until 2027 and noted that "there will have to be a lot of discussion if we are ever to move that percentage upwards".
27. Members asked how the Scottish Government would enforce breaches of duties relating to land managed as EFA. A Scottish Government official stated that "our intention is to avoid breaches and anomalies by delivering guidance early to ensure that farmers and crofters are aware of the requirements". They added that the Scottish Government aims to "make sure that people are aware and sufficiently notified of the changes so that they can make the right choices in the first place, and we are spending significant time in doing that".
28. The Committee asked how the Scottish Government would monitor the impact of the enhanced measures once they have been implemented. A Scottish Government official explained that regular monitoring and evaluation of the wider agriculture programme was carried out experts in the field. They added that a specific monitoring would be undertaken to assess the changes to EFAs as part of inspections, which would provide an opportunity for farmers to share their feedback on how the requirements have been introduced.
29. The Committee discussed changes to mapping requirements. A Scottish

Government official explained that a key reason for changes to reduce administrative burdens by ensuring farmers only needed to prepare and keep one map showing an EFA area and did not need to supply one as part of their payment applications.

## Derogation for calving conditionality

30. The Committee asked if the Scottish Government had considered extending the derogations for calving conditionality to include other cohorts of producers, such as farmers in island areas. The Minister responded that "we looked at a couple of different options, and we looked at front loading, but we came to the conclusion that the derogation was the best way to go, as it was the least threatening approach, particularly for island communities". Members asked if specific exemptions to calving interval requirements would apply in exceptional circumstances, such as in cases of travel and weather disruptions. A Scottish Government official confirmed that situations of 'force majeure' would be considered on a case-by-case basis.
31. Members raised with the Minister concerns highlighted in written evidence from Shetland Islands Council about the potential impact of the 10-calf limit on general herd reduction on the island and the wider supply chain. A Scottish Government official pointed to data from 2023 regarding calving interval reforms which " would suggest that producers on Shetland may be in a position to receive more money than they were receiving under the previous scheme, if they have more calves meeting that calving interval condition".
32. The Minister confirmed that the Scottish Government would continually review the scheme to assess the impact of the changes on the national herd and individual producers.

## Conclusion

33. After giving evidence, the Minister moved motion S6M-19325, in the name of Mairi Gougeon:

That the Rural Affairs and Islands Committee recommends that the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 [draft] be approved.

34. The motion was then agreed to by division (7 For, 2 Against, 0 Abstention).

35. **The Rural Affairs and Islands Committee recommends that the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 [draft] be approved.**

# The draft Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations 2025

36. The draft Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations 2025 were laid before the Scottish Parliament on 31 October under sections 11(1), 14(2), and 19(1) of the [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020](#). The instrument was referred to the Rural Affairs and Islands Committee for consideration. It is subject to the affirmative procedure, meaning the Parliament must approve the instrument before it can come into force.
37. The purpose of the draft instrument is to introduce mandatory sheep carcass classification for all licensed sheep slaughterhouses in Scotland that meet the throughput threshold of at least 500 sheep per week as a rolling annual average. Currently, abattoirs processing sheep in Scotland have carried out carcass classification and price reporting on a voluntary basis.
38. Sheep are classified based on conformation and fat cover, using the EUROP system. Sheep price reporting involves slaughterhouses reporting detailed data on a carcass-by-carcass basis, including its cold weight, conformation, fat cover, and the market price paid.
39. In 2016, the [Scottish Sheep Sector review](#) recommended that the Scottish Government review the price and grade reporting for sheep, including carcass size, appearance, and eating quality.
40. Following the review, the [Scottish Government consulted stakeholders on mandatory classification and price reporting](#), and although the [results were in favour of the proposed measures](#), it agreed to delay Scottish regulations until the rest of the UK was ready to progress.
41. The policy note explains that making classification mandatory across the UK will create a fair and transparent grading system, similar to the existing systems used for beef and pigs. The policy note states that-
  - ” Aligning the introduction of mandatory sheep carcass classification across the UK prevents any cross-border discrepancies where one country would be carrying out classification in line with regulations, while others would still be classifying on a voluntary basis. This would mean there would be no official checks carried out, effectively causing cross border discrepancies
42. The policy note explains that a further consultation was undertaken by each UK administration in 2024. A targeted eight week Scottish Government consultation was conducted with key industry stakeholders, who had participated in the 2017 consultation, to reassess mandatory sheep carcass classification. The consultation covered all the main aspects, as set out in the EU regulations, such as the use of the EUROP grid and a two-tier dressing specification. The responses from industry bodies were all supportive of introducing mandatory sheep carcass classification.

## Delegated Powers and Law Reform (DPLR) Committee consideration

43. The [DPLR Committee considered the draft instrument on 11 November 2025 and made no recommendations in relation to the instrument.](#)

## Rural Affairs and Islands Committee consideration

44. The Committee took evidence on the draft regulations from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 26 November 2025.
45. The Minister made an opening statement, setting out the purpose and objectives of the instrument. The Committee raised no issues in relation to the instrument.

## Conclusion

46. At the end of evidence taking, the Minister moved motion S6M-19530:
- That the Rural Affairs and Islands Committee recommends that the Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations 2025 be approved.
47. The motion was agreed to without debate or division.

- 48. The Rural Affairs and Islands Committee recommends that the Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations 2025 be approved.**

