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## **Rural Affairs and Islands Committee**

# **Subordinate legislation considered by the Rural Affairs and Islands Committee on 17 December 2025**



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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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# Executive summary

1. This report details the Rural Affairs and Islands Committee's consideration of the draft [Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetables\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026](#).

2. The motion to recommend that the Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026 be approved was not agreed, by division.

# The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026

3. The draft [Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetables\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026](#) were laid before the Scottish Parliament on 21 November 2025 under section 7(4) 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.
4. The instrument updates the [Fruit and Vegetables Aid Scheme](#) (FVAS) ahead of the scheme closing in England and responsibility for delivering the scheme in Scotland transferring from the UK Government's Rural Payments Agency (RPA) to the Scottish Government's Rural Payments and Inspections Division.
5. The FVAS, originally part of the Common Agricultural Policy (CAP), provides aid to groups of fruit and vegetable growers recognised as producer organisations POs. The scheme aims to encourage collaborative working and increase both the quality and quantity of produce grown. The RPA will retain responsibility for PO recognition and monitoring.
6. As the reason for the changes to the FVAS, the policy note states that—

” Since leaving the EU, the Fruit and Vegetables Aid Scheme in Scotland has been funded by the Scottish Government. Changes are now required so that the scheme can continue to operate under the constraints of a limited budget, now that it is no longer funded by the European Commission.
7. The policy note goes on to state that this change would “allow the Scottish Government greater control over the budget for the scheme, whilst still providing funding for all eligible Scottish producers”.
8. The policy note sets out the changes to the FVAS which would be made by the regulations—
  - future funding to be restricted to produce grown in Scotland.
  - transitional period from 2026 to 2028 to allow non-Scottish members of existing Scottish POs to continue receiving funding.
  - programmes will run over three years rather than one to “improve administrative efficiency”.
  - introduction of a right of appeal for POs if they disagree with funding decisions.

9. The [Scottish Government held a 12 week consultation between 23 June and 14 September 2025](#) to gather views on the proposed changes and potential future changes to the FVAS.
  
10. The [analysis of responses to the consultation](#) shows that most respondents supported restricting future funding to produce grown in Scotland. Opinions differed on whether POs with non-Scottish growers should receive funding, although responses “leaned toward allowing such growers to remain members while excluding their production from aid calculations”. Most respondents agreed that Scottish Ministers should have discretion over the scheme's total budget, with a cap set as a percentage of the value of marketed production. Restricting new operational programme applications to every three years was seen as having limited impact on eligible participants, and a statutory right of appeal was widely supported.

# Delegated Powers and Law Reform (DPLR) Committee consideration

11. The [DPLR Committee considered the draft instrument on 2 December 2025](#) and made no recommendations in relation to the instrument. The Committee noted that section 7(1) of the Agriculture (retained EU Law and Data) (Scotland) Act 2020 allows the Scottish Government to use either the affirmative or negative procedure for this instrument. The Committee was satisfied with the use of the affirmative procedure for this instrument.

# **Rural Affairs and Islands Committee consideration**

12. The Committee took evidence on the draft regulations from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 17 December 2025.
13. The Minister stated that "the proposed changes are necessary to manage our budget and agricultural support in Scotland" as they would prevent POs from England seeking funding in Scotland, which could strain the agricultural budget.

## **Scottish Government's decision to continue the FVAS**

14. Some members expressed disappointment about the Scottish Government's decision to continue with the FVAS and asked why a new approach to supporting fruit and vegetable producers has not been considered. These members suggested that the market has evolved, and that an updated scheme might be more appropriate.
15. The Minister acknowledged that a new scheme could have been put in place, but that the decision had been made to continue providing the existing fruit and veg aid scheme, as well as the small producers pilot fund.
16. The Minister added that this instrument would provide stability to the industry whilst allowing the Scottish Government to then focus on "...developing policy to build resilience".

## **Support for small producers**

17. Members raised concerns that the scheme is limited to the three POs and asked whether this creates barriers to entry for new applicants, such as smaller growers. Members suggested that there is frustration amongst small producers who feel that they have been locked out of funding and left without adequate support.
18. The Minister explained that the instrument's primary focus is "to ensure that long-established Scottish producer organisations will not be significantly impacted for the 2026 to 2028 operational programmes". He added that the scheme is designed to encourage smaller growers to collaborate and join a PO which in turn would give them greater access to funding.
19. The Minister also highlighted the £500,000 small producers pilot fund is available to support small producers. The Minister explained that he is exploring additional ways to strengthen resilience for small-scale growers outside POs, aiming to support local food systems, biodiversity, and local economies.
20. However, some members suggested that the small producers pilot fund may have limited impact. These members said that some small-scale producers have reported

that the fund isn't helpful for them, as it mainly supports things like creating websites rather than addressing the real challenges they face.

## Conclusion

21. At the end of evidence taking, the Minister moved motion S6M-19989:

That the Rural Affairs and Islands Committee recommends that the Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026 be approved.

22. The motion was disagreed to by division (4 For, 5 Against, 0 Abstention).

23. Accordingly, the Rural Affairs and Islands Committee recommends that the Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026 should not be approved.

