



The Scottish Parliament
Pàrlamaid na h-Alba

Published 28 October 2024
SP Paper 667
10th Report, 2024 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 9 October 2024



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Executive Summary	1
The Rural Development (Continuation of Operation) (Miscellaneous Amendment) (Scotland) Regulations 2024	2
Background	3
Consultation	4
Impact Assessments	5
Delegated Powers and Law Reform Committee consideration	6
Rural Affairs and Islands Committee consideration	7
2030 deadline	7
Consultation with stakeholders	7
Other issues	8
Conclusion	8

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.



rural.committee@parliament.scot



0131 348 5985

Committee Membership



Convener
Finlay Carson
Scottish Conservative
and Unionist Party



Deputy Convener
Beatrice Wishart
Scottish Liberal
Democrats



Colin Beattie
Scottish National Party



Ariane Burgess
Scottish Green Party



Tim Eagle
Scottish Conservative
and Unionist Party



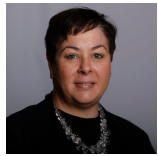
Rhoda Grant
Scottish Labour



Emma Harper
Scottish National Party



Emma Roddick
Scottish National Party



Elena Whitham
Scottish National Party

Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of [The Rural Development \(Continuation of Operation\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024 \[draft\]](#).
2. The Committee agreed by division to recommend to the Parliament that it approve the instrument.

The Rural Development (Continuation of Operation) (Miscellaneous Amendment) (Scotland) Regulations 2024

3. The Rural Development (Continuation of Operation) (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] were laid in the Scottish Parliament on 4 September and are subject to the affirmative procedure. The draft instrument was referred to the Rural Affairs and Islands Committee for consideration.
4. The Regulations seek to extend the operation of rural development support schemes such as the Scottish Rural Development Programme (SRDP) and the Less Favoured Area Support Scheme (LFASS) beyond their current expiry date of 31 December 2024. A new end date of 31 December 2030 has been proposed in the Regulations.

Background

5. Rural development programmes, such as the SRDP, were used to deliver aims of the EU's Common Agricultural Policy (CAP). Following the UK's exit from the European Union, the Scottish Government passed the [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020](#) ('the 2020 Act') which included provisions to continue the operation of CAP, including programmes such as the SRDP, until the end of 2024.
6. The Scottish Government has been designing a new approach to Scottish agriculture policy post-Brexit with a view to replacing the current CAP arrangements. The legislative framework to deliver these changes was enacted through [the Agriculture and Rural Communities \(Scotland\) Act 2024](#) ('the 2024 Act').
7. The policy note accompanying the instrument says its purpose is to extend the current schemes for rural development payments as a transitional arrangement whilst the Scottish Government rolls out its new payments schemes through secondary legislation from the 2024 Act. The policy note says this will "ensure stability and continuity for farmers, crofters and land managers in the period from 2025 to 2030".
8. The instrument also makes further provision to extend the duty on Scottish Ministers to prepare an Annual Implementation Report for the SRDP to include 2025. The policy note states the reporting requirement would not be extended to 2030 because "reporting of legacy CAP schemes is a requirement of Rural Support Plan reporting in the Agriculture Act".
9. The Scottish Government provided a [correction slip](#) in relation to the explanatory note accompanying the instrument.

Consultation

10. The Scottish Government did not undertake a specific consultation exercise in relation to this instrument but the policy note states that discussions were held previously as part of a number of engagement activities on the 2024 Act, the 2020 Act, the Stability and Simplicity commitment and the SRDP/CAP payment schemes.
11. The policy note also says further consultation will take place with stakeholders during the co-design process for secondary legislation designing new agricultural and rural development payment schemes brought in through the 2024 Act.

Impact Assessments

12. A Strategic Environmental Assessment, a Business and Regulatory Impact Assessment (BRIA) and an Equality Impact Assessment were carried out as part of the development of the previous iteration of the SRDP for 2014-2020.
13. The policy note says that "it is not considered appropriate or proportionate to re-do any of these Impact Assessments for the 2024 Regulations as they do not introduce new policy, or a change in policy, but simply enable the continued functioning of assimilated law pertaining to rural development and the continuation of the SRDP and rural development support from 2025".
14. A [Child Rights and Wellbeing Impact Assessment](#) and an [Islands Communities Impact Assessment](#) were produced for the instrument.


Delegated Powers and Law Reform Committee consideration

15. The Delegated Powers and Law Reform Committee considered the instrument at its meeting [on 17 September 2024](#). It agreed to make no recommendation in relation to the instrument.

Rural Affairs and Islands Committee consideration

16. The Committee initially took evidence on the instrument from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 25 September 2024. It then agreed to defer formal consideration of the motion to approve the instrument to a future meeting and issue a short call for views.
17. On 26 September 2024, the Committee opened its call for views for one week. All of the 19 responses are published on [the Scottish Parliament website](#).
18. At its meeting on 9 October 2024, the Rural Affairs and Islands Committee took evidence again from the Minister for Agriculture and Connectivity and Scottish Government officials. [Read the Official Report - 9 October 2024](#).
19. A summary of the key themes explored by the Committee during the evidence session are discussed below.

2030 deadline

20. Much of the discussion focused on the Scottish Government's decision to include provision in the instrument to extend payment schedules to 2030.
21. Concerns were raised by some stakeholders in written evidence about the necessity of such a lengthy extension. For example, Scottish Land & Estates said:
 We are deeply concerned about the message that a six year extension sends to the farming sector about the pace of change necessary to deliver a sustainable and resilient farming sector.
22. The Minister said the 2030 deadline should be viewed as a 'backstop' whilst the Scottish Government makes progress on replacing payment schemes provided for by the 2024 Act. He sought to reassure members that the extension to 2030 "does not mean that every scheme will run, as is, in every year up to 2030".
23. The Committee discussed why the deadline was not set at 2027 to align with the timetable set out in the Scottish Government's agricultural route map. The Minister said this was to ensure that, "if unseen circumstances come along, we have some comfort and can ensure that the payments are made until 2030".

Consultation with stakeholders

24. The Committee discussed the consultation undertaken by the Scottish Government when drafting the instrument. The Minister said engagement was taking place between the Scottish Government and a wide range of stakeholders on an ongoing basis. He referred to the collaborative work to co-design future payment schemes being taken forward through the agriculture reform implementation oversight board (ARIOB) as an example of the Scottish Government's commitment to stakeholder

engagement.

25. Concerns were raised by some stakeholders in written evidence about the level of consultation undertaken by the Scottish Government in developing the Regulations. In response to these concerns, the Minister said "I give an absolute commitment here and now that I will speak to every relevant organisation that wants to speak to me, and we will have those conversations".
26. The Minister was asked to clarify what consultation was being taken forward as part of the "wider Agriculture Reform Programme" defined in the policy note and committed to provide this information in follow-up correspondence. This will be published on the Committee's webpage on receipt.

Other issues

27. Concerns were raised in some responses to the call for views that the instrument would continue LFASS payments based on 2018 levels, and many called for a process known as 'rebasings' to change how financial support was dispersed across agricultural businesses to reflect current circumstances. National Sheep Association (NSA) Scotland said:

” NSA Scotland has called for rebasing of LFASS for quite some time which has not been undertaken to date. We wish to ensure that disadvantaged area support of the future and any LFASS replacement has learnt from the misgivings of past endeavours. It is essential that policy is future proofed and unintended consequences minimised.

Conclusion

28. After giving evidence, the Minister moved motion S6M-14345 in the name of the Cabinet Secretary for Rural Affairs, Land Reform and Islands—

That the Rural Affairs and Islands Committee recommends that the Rural Development (Continuation of Operation) (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.
29. The motion was debated by Committee members. It was then agreed to by division (5 For, 0 Against, 2 Abstentions).
30. The Rural Affairs and Islands Committee recommends that the Rural Development (Continuation of Operation) (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.

