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Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Subordinate legislation considered by the Rural Economy and Connectivity Committee on 2 and 9 December 2020



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Rural Economy and Connectivity Committee

Remit: To consider and report on matters relating to the rural economy within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism and matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.



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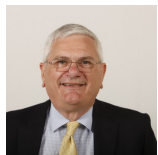
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Executive Summary

This report details the Rural Economy and Connectivity Committee's consideration of the following instruments —

- the Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft],
- the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft],
- the Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [draft]
- the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft], and
- the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft].

The Committee agreed to recommend to the Parliament that it approves the instruments.

Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft]

The Committee reports to the Parliament as follows—

1. On 11 November 2020, the [Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \[draft\]](#) were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

2. These Regulations correct deficiencies in domestic legislation which implements Regulation (EU) 2016/2031 and Regulation (EU) 2017/625 (“the EU Regulations”) and associated EU tertiary legislation relating to plant health (including tree health) and official controls. The 2020 Regulations also deficiency fix related fees legislation and also legislation relating to forestry Environmental Impact Assessments ahead of the end of the transition period. The provisions in the 2020 Regulations related to EU Exit will come into force on Implementation Period (IP) completion day. The 2020 Regulations also make provision to update domestic legislation relating to plant health before it becomes retained EU law. These provisions come into force on 31 December 2020 to ensure that they are in place ahead of IP completion day.

Delegated Powers and Law Reform Committee consideration

3. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [1 December 2020](#) and agreed not to draw the Parliament’s attention to the instrument on any grounds within its remit.
4. During its consideration of the instrument, the DPLR Committee noted that regulation 26(3)(c) of the draft Plant Health (Amendment etc.) (EU Exit) Regulations 2020 laid before the UK Parliament on 15 October 2020 inserts a definition of “the Phytosanitary Conditions Regulation” into Regulation (EU) 2016/2031, rather than regulation 27(2)(c) of the original draft instrument as stated in the Scottish Government’s response to the Committee’s questions. The Committee considered that a footnote in the instrument could have explained the insertion of this definition.

Rural Economy and Connectivity Committee consideration

5. At its meeting on 2 December 2020, the Rural Economy and Connectivity

Committee took evidence on this instrument from Mairi Gougeon, Minister for Rural Affairs and the Natural Environment, and Scottish Government officials.

6. The Minister subsequently moved the following motion in her name—

Motion S5M-23354— That the Rural Economy and Connectivity Committee recommends that the Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

7. The Committee agreed the motion without division.

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

Recommendation

9. The Rural Economy and Connectivity Committee recommends to the Parliament that the Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft]

The Committee reports to the Parliament as follows—

10. On 24 November 2020, the [Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \[draft\]](#) were re-laid before the Parliament (replacing the previous version of 12 November 2020). The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

11. These Regulations aim to ensure a functioning system of controls on imports of live animals and products of animal origin, germinal products and animal by-products. The Scottish Government is seeking to retain current rules as set out in EU and other regulation. The instrument is also required as the UK will no longer be an EU Member State and EU Member States will become third countries. The instrument makes transitional provision to allow live animals and products from a third countries to come into Scotland without passing a border control post, subject to meeting certain requirements.

Delegated Powers and Law Reform Committee consideration

12. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [1 December 2020](#) and agreed not to draw the Parliament's attention to the instrument on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

13. At its meeting on 2 December 2020, the Rural Economy and Connectivity Committee took evidence on this instrument from Mairi Gougeon, Minister for Rural Affairs and the Natural Environment, and Scottish Government officials. The Committee asked the Minister for points of clarification in regard to imports and exports affected by this instrument and other regulations.
14. The Minister subsequently moved the following motion in her name—

Motion S5M-23469—That the Rural Economy and Connectivity Committee recommends that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

15. The Committee agreed the motion without division.
16. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

17. The Rural Economy and Connectivity Committee recommends to the Parliament that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [draft]

The Committee reports to the Parliament as follows—

18. On 18 November 2020, the [Common Agricultural Policy \(Less Favoured Area Support\) \(EU Exit\) \(Scotland\) Amendment Regulations 2020 \[draft\]](#) were re-laid before the Parliament (replacing the previous version of 5 November 2020). The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

19. The instrument corrects a deficiency in retained EU law, changing a reference to “exit day” to refer to IP completion day. The instrument also extends the operation of the Less Favoured Area Support Scheme (LFASS) in retained EU law after the end of the Implementation Period (11pm on 31 December 2020); make provision to continue to make payments under the scheme through to 2024; and modify the payment rates from 2021 onwards so that they are the same as for the scheme year 2018 payment

Delegated Powers and Law Reform Committee consideration

20. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [24 November 2020](#) and agreed not to draw the Parliament’s attention to the instrument on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

21. At its meeting on 2 December 2020, the Rural Economy and Connectivity Committee took evidence on this instrument from Fergus Ewing, Cabinet Secretary for Rural Economy and Tourism, and Scottish Government officials. The Committee discussed with the Cabinet Secretary future funding levels for LFASS after the end of the Implementation Period.
22. The Cabinet Secretary subsequently moved the following motion in his name—

Motion S5M-23419 — That the Rural Economy and Connectivity Committee recommends that the Common Agricultural Policy (Less Favoured Area Support)

(EU Exit) (Scotland) Amendment Regulations 2020 [draft] be approved.

23. The Committee agreed the motion without division.
24. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

25. The Rural Economy and Connectivity Committee recommends to the Parliament that the Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [draft] be approved.

Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft]

The Committee reports to the Parliament as follows—

26. On 5 November 2020, the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

27. The Regulations provide for direct payment schemes to continue at the same levels as in previous years in Scotland. The Regulations set out the process for how the total ceiling for these payments be determined, as part of the annual Scottish Government budget process. The Regulations also remove provisions which are spent or not in use in Scotland.

Delegated Powers and Law Reform Committee consideration

28. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [24 November 2020](#) and agreed not to draw the Parliament's attention to the instrument on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

29. At its meeting on 2 December 2020, the Rural Economy and Connectivity Committee took evidence on this instrument from Fergus Ewing, Cabinet Secretary for Rural Economy and Tourism, and Scottish Government officials.
30. The Cabinet Secretary subsequently moved the following motion in his name—

Motion S5M-23264 —That the Rural Economy and Connectivity Committee recommends that the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.
31. The Committee agreed the motion without division.
32. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

33. The Rural Economy and Connectivity Committee recommends to the Parliament that the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft]

The Committee reports to the Parliament as follows—

34. On 3 November 2020, the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft] were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

35. These regulations make provision under section 9(1) of the Islands (Scotland) Act 2018 (“the Act”) about reviews of decisions of relevant authorities relating to island communities impact assessments under section 8(1) of the Act. They also introduce a requirement for publication of island communities impact assessments by relevant authorities under section 30(1) of the Act which gives Scottish Ministers power by regulations to make supplementary provisions they consider appropriate for the purpose of giving full effect to the Act.

Delegated Powers and Law Reform Committee consideration

36. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [10 November 2020](#) and agreed not to draw the Parliament’s attention to the instrument on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

37. At its meeting on 9 December 2020, the Rural Economy and Connectivity Committee took evidence on this instrument from Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, and Scottish Government officials. The Committee asked the Minister whether public bodies publishing details of island communities impact assessments could do so via a centralised online point. The Minister and his officials agreed to consider this suggestion for the future.
38. The Minister subsequently moved the following motion in his name—

Motion S5M-23257—That the Rural Economy and Connectivity Committee recommends that the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft] be approved.
39. The Committee agreed the motion without division.

40. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting (which will be available shortly after the publication of this report).

Recommendation

41. The Rural Economy and Connectivity Committee recommends to the Parliament that the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft] be approved.

