Draft Regulations laid before the Scottish Parliament under section 2(3) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (asp 17), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

AGRICULTURE

The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(**a**) (the "2020 Act"), Article 46(9)(b) and (c) and Article 70(4) of Regulation (EU) No 1307/2013(**b**), and all other powers enabling them to do so.

In accordance with section 2(3) of the 2020 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 and, with the exception of the provision mentioned in paragraph (2), come into force on 31 December 2025.

(2) Regulation 3(5)(d) comes into force on 1 January 2026.

Modification of Regulation (EU) No 1307/2013

2.—(1) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy is amended in accordance with paragraphs (2) and (3).

(2) In Article 46—

(**a**) 2020 asp 17, as amended by the Agriculture and Rural Communities (Scotland) Act 2024 asp 11.

(**b**) EUR 2013/1307, as relevantly amended by S.S.I. 2022/279, S.I. 2020/91 and EUR 2017/2393. EUR 2013/1307 was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2). Article 46(9) confers a power on the "appropriate authority" which for Scotland, is the Scottish Ministers (through the operation of the definitions of "appropriate authority" and "relevant authority" in Article 4 of Regulation EUR 2013/2017).

(a) for the second unnumbered subparagraph of paragraph 1 substitute—"From 1 January 2027 the percentage referred to in the first subparagraph of this paragraph is increased from 5% to 7%.",

(b) after subparagraph (m) of paragraph 2 insert—

"(n) low input grassland;

(o) herb and legume-rich pasture;

(p) unharvested crop;

(q) low density woodland planting.",

(c) omit paragraph 4,

(d) after paragraph 9 insert—

"10 (a) A farmer to whom paragraph 1 of this Article applies must prepare and maintain a map (in this paragraph, "the EFA map") showing the location and size of areas declared as ecological focus areas for the purposes of paragraph 1.

(b) The EFA map must have been prepared not more than one year before the start of the claim year to which it relates.

(c) The EFA map may be combined with a habitats map provided as part of the habitats report under article 43a(2)(c).

(d) The farmer must provide a copy of the EFA map to the Scottish Ministers on request.".

(3) After the final entry to the first table (conversion and weighting factors referred to in Article 46(3)) in Annex X, insert—

"Low density woodland planting	n.a.	2	2 m^2
Unharvested crop (per 1 m^2)	n.a.	1,5	1,5 m^2
Low input grassland (per 1 m^2)	n.a.	0,2	0,2 m^2
Herb and legume-rich pastures (per 1 m^2)	n.a.	1,5	1,5 m^2".

Amendment of the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

3.—(1) The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015(**a**) are amended in accordance with paragraphs (2) to (5).

(2) Omit regulation 17A.

(3) In regulation 18—

(a) in paragraph (1)—

(i) for "and" in the first place it appears, substitute ",",

(ii) after "(j) (areas with nitrogen-fixing crops)", insert "(n) (low input grassland), (o) (herb and legume-rich pastures), (p) (unharvested crops), and (q) (low density woodland planting)",

(b) in sub-paragraph (b) of paragraph (3), for "1 metre", substitute "3 metres",

(**a**) S.S.I. 2015/58 as relevantly amended by S.S.I. 2015/215, S.S.I. 2016/104, S.S.I. 2017/98 and S.S.I. 2024/380.

(c) in sub-paragraph (a) of paragraph (5), omit "and not harvested before 31st December of the same calendar year",

(d) in sub-paragraph (b) of paragraph (5)—

(i) for "2nd November" substitute "1st November", and

(ii) omit "and not harvested before 31st December of the same calendar year".

(4) In schedule 2 (ecological focus areas: further criteria)—

(a) In Part 1 (crop species that may be used in a mixture of crop species for the purposes of Article 45(9) of the Direct Payments Delegated Regulation in relation to areas under green cover), after "Radish *(Raphanus)*" insert—

"Triticale (hybrid of wheat) *(Triticum aestivum)* and Rye *(Secale cereale) (x Triticosecale)*

Alsike clover *(Trifolium hybridum)*

Crimson clover *(Trifolium incarnatum)*

Persian clover *(Trifolium resupinatum)*

Balansa clover *(Trifolium michelianum)*

Buckwheat *(Fagopyrum esculentum)*

Kale *(Brassica oleracea)*

Stubble turnip *(Brassica rapa)*

Forage rape *(Brassica napus)*

Beans",

(b) in Part 2 (Nitrogen-fixing crops for the purposes of Article 45(10) of the Direct Payments Delegated Regulation), after "Vetch *(Vicia sativa)*" insert—

"Alsike clover *(Trifolium hybridum)*

Berseem clover *(Trifolium alexandrinum)*

Sweet clover *(Melilotus spp.)*

Balansa clover *(Trifolium michelianum)*

Fenugreek *(Trigonella foenum-graecum)*",

(c) in Part 3 (additional conditions for the purposes of Article 45(10) of the Direct Payments Delegated Regulation)—

(i) omit paragraph 1,

(ii) in paragraph 2, for "1 metre", substitute "3 metres".

(5) In Part 1 (voluntary coupled support - bovine animals) of schedule 3 (voluntary coupled support)—

(a) in paragraph 1 (interpretation), in the definition of "Scheme year", after "in" insert "respect of",

(b) in sub-paragraph (1) of paragraph 2 (application for a scheme payment)—

(i) omit "during a calendar year",

(ii) after "application" insert—

"by 14th January following the end of the calendar year to which the Scheme payment relates";

(c) in sub-paragraph (2) of paragraph 2, for "during that Scheme year" substitute "made in accordance with sub-paragraph (1)",

(d) after paragraph 3 (eligible bovine animal), insert—

“Derogation for claims of ten calves or fewer

3A. Where an applicant claims ten or fewer calves in respect of a Scheme year, the requirements in paragraph 3(ba) do not apply to any such calves.”.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications to improve the operation of the provisions of Regulation (EU) No 1307/2013 (the "Direct Payments Regulation") and the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (the "2015 Regulations") in relation to the requirements for ecological focus areas and the terms of the Scottish Suckler Beef Support Scheme.

Regulation 2 makes a number of amendments to the requirements for ecological focus areas in the Direct Payments Regulation:

- Regulation 2(2)(a) increases, from 1 January 2027, the percentage of a holding that is to be maintained as an ecological focus area from 5% to 7%.
- Regulation 2(2)(b) adds four new options for ecological focus areas to the list at Article 46(2) of the Direct Payments Regulation.
- Regulation 2(2)(c) removes the exemption from the requirement to maintain ecological focus areas for holdings with more than 75% arable land used for the production of grasses, land lying fallow or the cultivation of leguminous crops or where more than 75% of the eligible agricultural area is permanent grassland, is used for the production of grasses, or for the cultivation of crops under water.
- Regulation 2(2)(d) introduces a requirement to prepare and maintain an EFA map.
- Regulation 2(3) sets out the conversion and weighting factors which apply to the new EFA options.

Regulation 3 modifies the 2015 Regulations in relation to ecological focus areas to reflect the changes made by regulation 2 and make further amendments to the conditions for ecological focus areas. It also makes changes to the Scottish Suckler Beef Support Scheme:

- Regulation 3(2) removes the requirement to have a fertiliser and lime management plan.
- Regulation 3(3)(b) increases the field margins from 1 metre to 3 metres.
- Regulation 3(3)(c) removes the restriction on harvesting areas under catch crops prior to 31 December.
- Regulation 3(3)(d)(i) makes a minor change to the date by which green cover crops must be sown.
- Regulation 3(3)(d)(ii) removes the restriction on harvesting areas under green cover prior to 31 December.
- Regulation 3(4) adds additional crop species to the lists of green cover and nitrogen-fixing crops.
- Regulation 3(5)(a), (b) and (c) extend the application window for Scottish Suckler Beef Support Scheme payments, permitting submissions up to and including 14 January following the end of the relevant calendar year.
- Regulation 3(5)(d) provides a derogation from the eligibility conditions set out in paragraph 3(ba) of schedule 3 for applicants claiming ten or fewer calves in a Scheme year. Where the derogation applies, the claimed calves are not required to be either the first born of their mother or born within 410 days of the mother's previous qualifying calf. All other eligibility criteria in paragraph 3 continue to apply.

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