POLICY NOTE

THE RURAL SUPPORT (SIMPLIFICATION AND IMPROVEMENT) (DATA PUBLICATION) (SCOTLAND) REGULATIONS 2025

SSI 2025/274

The Rural Support (Simplification and Improvement) (Data Publication) (Scotland) Regulations 2025 (the "2025 Regulations") are made in exercise of the powers conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (the "2020 Act")[1].

Section 2(3) of the 2020 Act provides that "Regulations under this section are (if they have not been subject to the affirmative procedure) subject to the negative procedure".

The 2025 Regulations are subject to the negative procedure because they make relatively minor modifications to Common Agricultural Policy ("CAP") legislation to simplify and improve the operation of provisions relating to arrangements for publishing the CAP beneficiaries data on a Scottish website. The 2025 Regulations do not introduce any new policy.

In addition, there are other factors that clearly point to negative being the more appropriate procedure for these regulations. In particular, these regulations do not create or amend a criminal offence, do not amend an Act of the Scottish Parliament and do not contain any matter with material financial impact or financial implications.

The 2025 Regulations will come into force on 1 January 2026.

Summary Box

The 2025 Regulations simplify and improve the operation of the provisions of CAP legislation for the purpose of arrangements for publishing the CAP beneficiaries data on a Scottish website.

Policy Objectives

The 2025 Regulations simplify and improve the operation of the provisions of CAP legislation for the purpose of publishing the CAP beneficiaries data on a Scottish website instead of a single UK website that is to be closed and will cease to operate. This is needed to satisfy the commitment of Scottish Ministers to be transparent and to make available and share publicly the publication of CAP beneficiaries data. This data was previously published on a single UK website administered by the DEFRA coordinating body. As that website is due to be closed, the Scottish Government will now make separate arrangements to publish the data for Scotland.

The 2025 Regulations do not provide for the publication of beneficiary data for new schemes that are not related to the CAP. We need to make this bridging measure for our period of transition until such time as the new data scheme publication arrangements are made in terms

[1] 2020 asp 17. https://www.legislation.gov.uk/asp/2020/17/contents

of the secondary legislation to be introduced later on under the Agriculture and Rural Communities (Scotland) Act 2024[2].

Explanation of the law being amended by the 2025 Regulations

Regulation 2 modifies Article 111 of Regulation (EU) No 1306/2013 by removing the requirement for the data to be made available on a single website for the United Kingdom.

Regulation 3 is consequential upon the change made by regulation 2 and modifies Commission Implementing Regulation (EU) No 908/2014 by removing the references to the single UK website.

Regulation 3 also confirms a new annual publication date.

Reasons for and effect of the proposed change

Regulation 2 modifies Article 111 of Regulation (EU) No 1306/2013 by removing the requirement for the data to be made available for two years on a single website for the United Kingdom. This is needed to satisfy the commitment of Scottish Ministers to be transparent and to make available and share with everyone publication of CAP beneficiaries data- for example to answer freedom of information requests. This change will mean Scotland is in the same position as Wales who have already made similar changes to the CAP legislation.

Regulation 3 is consequential upon the change made by regulation 2 and modifies Commission Implementing Regulation (EU) No 908/2014 by removing the references to the single UK website. This is needed as this web site is to be closed as explained above.

Regulation 3 also confirms a new annual publication date. This is needed to enable the CAP beneficiary data to be published by 30 June each year for the preceding financial year and to remain available on the Scottish website for two years from the date of their initial publication.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Rural Support (Simplification and Improvement) (Data Publication) (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

The 2025 Regulations are needed to satisfy the commitment of Ministers to the Scottish Government policy to maintain alignment with the EU by providing for the continued publication of CAP beneficiaries data (being an existing requirement of the EU CAP regulations).

[2] 2024 asp 11. https://www.legislation.gov.uk/asp/2024/11/contents

Consultation

The Information Commissioner has been consulted on and has approved the proposals of the 2025 Regulations.

All scheme beneficiaries are informed in advance on application forms that their data will be published. The proposals are for a continuation of existing data collection and processing, subject to only a few minor process changes. No formal public consultation is therefore needed.

Impact Assessments

A Data Protection Impact Assessment, Business Regulatory Impact Assessment, Child Rights and Wellbeing Impact Assessment and Equality Impact Assessment have been carried out.

Financial Effects

The Minister for Agriculture and Connectivity, Jim Fairlie, has approved the BRIA for the 2025 Regulations.

Scottish Government
Agriculture and Rural Economy Directorate
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