



**Environment and Rural Development Committee**

**12th Meeting, 2004**

**Wednesday 5 May 2004**

The Committee will meet at 10.30 am in Committee Room 3.

1. **Subordinate legislation:** The Committee will consider the following negative instruments—
  - the Organic Aid (Scotland) Regulations 2004 (SSI 2004/143); and
  - the Organic Aid (Scotland) Amendment Regulations 2004 (SSI/2004/174).
2. **Work Programme:** The Committee will consider its forward work programme.
3. **Inquiry into the implementation of CAP Reform (in private):** The Committee will consider a draft report.
4. **Budget process 2005-06 (in private):** The Committee will consider a draft report.

**Tracey Hawe**  
Clerk to the Committee  
Direct Tel: 0131-348-5221

The following papers are attached:

<p><u>Agenda Item 1</u></p> <p><a href="#">The Organic Aid (Scotland) Regulations 2004 (SSI 2004/143).</a></p> <p><a href="#">The Organic Aid (Scotland) Amendment Regulations 2004 (SSI/2004/174).</a></p> <p>Extract from the Subordinate Legislation Committee's 14<sup>th</sup> Report.</p>	<p>ERD/S2/04/12/1a</p> <p>ERD/S2/04/12/1b</p> <p>ERD/S2/04/12/1c</p>
<p><u>Agenda Item 2</u></p> <p>A paper from the Convener is attached (<i>for members only</i>)</p>	<p>ERD/S2/04/12/2a</p>
<p><u>Agenda Item 3</u></p> <p>Draft report on CAP reform (<i>for members only</i>).</p>	<p>ERD/S2/04/12/3a</p>
<p><u>Agenda Item 4</u></p> <p>Draft report on the Budget process 2005-06 (<i>for members only</i>).</p> <p>SEERAD response to outstanding budget-related issues raised during the Committee's 11<sup>th</sup> meeting (<i>for members only</i>).</p>	<p>ERD/S2/04/12/4a</p> <p>ERD/S2/04/12/4b</p>

**Subordinate Legislation Committee  
Extract of 14<sup>th</sup> Report, 2004**

1. At its meeting on 20<sup>th</sup> April the Committee determined that it did not need to draw the attention of the Parliament to the instruments listed in the Annexe to this report on any of the grounds within its remit.
2. The report is also addressed to the following committees as the lead committees for the instruments specified:

Environment and Rural Development                      SSI 2004/143

**Draft Instrument Subject to Annulment**

The Organic Aid (Scotland) Regulations 2004 (**SSI 2004/143**)

*Introduction*

1. The Committee asked why, in regulation 4(2) (page 6), it is stated that payments of capital grant may be made to an applicant who has given the undertakings set out in regulation 9 when regulation 9 appears to be related to undertakings for applicants for maintenance grants rather than capital grants.
2. The Committee also asked the Executive to explain sub-paragraph (g) of the Explanatory Note (page 35) since, as mentioned above, regulation 9 appears to relate not to capital grant but the maintenance grant.
3. The Executive has replied that the cross-reference in regulation 4(2) should be to regulation 7 and will bring forward an amending SSI to correct the point as a matter of urgency.
4. The Executive has also confirmed that sub-paragraph (g) of the Explanatory note is similarly defectively drafted and will be amended before the Regulations are sent for printing. The Executive's reply is reproduced at Appendix 3.

*Report*

5. The Executive, with commendable speed, has now made amending Regulations (SSI 2004/174) to correct the substantive error identified by the Committee. **The Committee therefore simply draws the Regulations to the attention of the lead committee and the Parliament on the grounds of defective drafting, acknowledged by the Executive, that the Executive has moved to correct.**

## **Appendix 1**

### **THE ORGANIC AID (SCOTLAND) REGULATIONS (SSI 2004/143)**

On 30 March the Committee asked the Executive for an explanation of the following matters-

“1. The Committee asks for an explanation of the reference to regulation 9 in regulation 4 (2) (page 6) where it is stated that payments of capital grant may be made to an applicant who has given the undertakings set out in regulation 9. Regulation 9 appears to be related to undertakings for applicants for maintenance grants rather than capital grants.

2. The Committee asks for explain of sub-paragraph (g) of the Explanatory Note (page 35). Regulation 9 appears to relate not to capital grant but the maintenance grant.”

#### **The Scottish Executive responds as follows-**

##### **First question**

1. The cross-reference in regulation 4(2) should be to regulation 7 which relates to undertakings for applicants for capital grants. The Executive is grateful to the Committee for bringing this error to its attention and will bring forward an amending SSI to correct the point as a matter of urgency.

##### **Second question**

2. Sub-paragraph (g) of the Explanatory Note relates to maintenance grants rather than capital grants and the Executive is also grateful to the Committee for bringing this matter to its attention. Since the Explanatory Note does not form part of the Regulations it will be amended before the Regulations are sent for printing.

#### **Scottish Executive Environment and Rural Affairs Department**

1<sup>st</sup> April 2004