

2004 No. 2980 (S.9)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Modification of Functions) Order 2004

<i>Made</i> - - - -	<i>10th November 2004</i>
<i>Laid before Parliament</i>	<i>17th November 2004</i>
<i>Coming into force</i> - -	<i>1st January 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 106 and 112(1) of the Scotland Act 1998(a) and of all other powers enabling him in that behalf, and having consulted the Scottish Ministers in accordance with section 106(4) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scotland Act 1998 (Modification of Functions) Order 2004 and shall come into force on 1st January 2005.

(2) In this Order—

“the Council Regulation” means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001(b);

“Scottish farmer” means a farmer whose holding is situated wholly or partly in Scotland and “farmer” and “holding” shall have the same meaning as in Article 2 of the Council Regulation; and

“specified function under Community law” means any function related to the implementation of any legislative instrument of the European Community adopted in pursuance of its common agricultural policy, which applies in relation to an agricultural activity by reference to a holding; and “agricultural activity” shall have the same meaning as in Article 2 of the Council Regulation.

(a) 1998 c.46.

(b) O.J. No. L 270, 21.10.2003, p.1, as last amended by Council Regulation (EC) 864/2004 (O.J. No. L 206, 9.6.04, p.20).

Agriculture

2. So far as a specified function under Community law, or a function to which section 53(2)(a) of the Scotland Act 1998 applies, is exercisable by a Minister of the Crown in relation to a Scottish farmer it may be exercised separately.

Dover House,
London
10th November 2004

ANNE McGUIRE
Parliamentary Under Secretary of State,
Scotland Office,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision under section 106 of the Scotland Act 1998. It modifies functions related to the implementation of a common agricultural policy legislative instrument of the European Community, which apply to an agricultural activity by reference to a holding, and prerogative and other executive functions under section 53(2)(a) of that Act. It provides that, so far as exercisable in relation to a farmer defined for these purposes as a farmer whose holding within the United Kingdom is situated wholly or partly within Scotland (“a Scottish farmer”), the relevant functions may be exercised separately.

The relevant functions relate to Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Community Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001 (“the Council Regulation”).

This Order makes clear the powers of the Scottish Ministers under the Council Regulation in relation to a Scottish farmer as a consequence of the reform of the common agricultural policy of the European Community.

STATUTORY INSTRUMENTS

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