
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Articles 9, 22, 23, 24, 30 and 33 of Council Regulation (EC) No. 1257/1999⁽¹⁾ on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), as amended by Commission Regulation (EC) No. 1783/2003⁽²⁾, the Act of Accession⁽³⁾, Council Regulation (EC) No. 567/2004⁽⁴⁾ and Council Regulation (EC) No. 583/2004⁽⁵⁾. The Regulations extend to Scotland only.

The Regulations provide for payment of aid to be made to any person who enters into an undertaking with the Scottish Ministers to carry out, or as the case may be to carry out and maintain, the activities relevant to at least one of the Menu Options set out in Schedule 1 and to comply with the general environmental requirements set out in Schedule 2 to the Regulations (regulations 4 and 11).

The amount of aid payable in respect of an undertaking is calculated with reference to the activity to be undertaken (regulation 10), subject to the maximum amount of aid payable (regulation 5). The rate of payment corresponding to each activity is specified in Schedule 1 to the Regulations.

The Regulations also—

- (a) make provision as to the form and content of applications for aid (regulation 3);
- (b) impose restrictions on the acceptance of applications for aid (regulation 6);
- (c) define land which is eligible for aid (regulation 7);
- (d) make provision in respect of a transfer of the land to which an undertaking relates (regulation 8);
- (e) make provision in respect of the determination of applications for aid (regulation 9);
- (f) make provision in respect of claims and payment (regulation 11);
- (g) make provision in relation to a change of occupation of the land to which an undertaking relates (regulation 12);
- (h) confer powers of entry and inspection on authorised persons (regulation 13);
- (i) make provision in relation to breaches of undertakings (regulation 14);
- (j) make provision in relation to the withholding and recovery of aid (regulations 15 and 16);
- (k) make provision for the supply of information (regulation 17) and record-keeping (regulation 18);
- (l) make provision as to the recovery of interest (regulation 19);
- (m) provide that sums payable to Scottish Ministers shall be recoverable as a debt (regulation 20);
- (n) make provision for offences and penalties (regulation 21); and
- (o) make provision in respect of appeals (regulation 22).

(1) O.J. No. L 160, 26.06.1999, p.80.

(2) O.J. No. L 270, 21.10.2003, p.70.

(3) O.J. No. L 236, 23.9.2003, p.33.

(4) O.J. No. L 90, 27.3.2004, p.1.

(5) O.J. No. L 91, 30.3.2004, p.1.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EC) No. 817/2004⁽⁶⁾ also contains detailed rules relevant to the operation of the payment scheme established by these Regulations.

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

⁽⁶⁾ O.J. No. L 153, 30.4.2004, p.30.

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Changes and effects yet to be applied to :

- sch 1 am by [S.S.I. 2006/213 reg 4](#)
- sch. 2 Pt. 1 para. 6 word substituted by [S.S.I. 2021/44 reg. 4\(2\)\(a\)\(i\)](#)
- sch. 2 Pt. 1 para. 6 words substituted by [S.S.I. 2021/44 reg. 4\(2\)\(a\)\(ii\)](#)
- sch 3 am by [S.S.I. 2006/213 reg 5](#)
- reg. 2(1) words substituted by [S.S.I. 2017/300 Sch. 1 para. 3\(2\)\(a\)](#)
- reg. 2(1) words substituted by [S.S.I. 2017/300 Sch. 1 para. 3\(2\)\(b\)](#)
- reg 3 am by [S.S.I. 2006/213 reg 3](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- sch. 2 Pt. 2 para. 14 words substituted by [S.S.I. 2021/44 reg. 4\(2\)\(b\)](#)