

2001 No. 28

AGRICULTURE

**The Environmentally Sensitive Areas (Machair of the Uists
and Benbecula, Barra and Vatersay) Designation Amendment
Order 2001**

<i>Made</i>	<i>6th February 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>6th February 2001</i>
<i>Coming into force</i>	<i>8th March 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 18(1), (4) and (11) of the Agriculture Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Amendment Order 2001 and shall come into force on 8th March 2001.

(2) In this Order “the principal Order” means the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Order 1993(b).

Amendment of the principal Order

2.—(1) In article 8(a) of the principal Order(c)—

- (a) for “15th August 1996” there shall be substituted “8th March 2001”; and
- (b) for the figure “£20,000” there shall be substituted the figure “£30,000”.

(2) For article 8(b) of the principal Order there shall be substituted—

- “(b) in the case of an agreement entered into before that date, up to a maximum rate of £30,000 for a 5 year conservation plan included in such agreement which agreement had commenced but which had not ended before that date.”.

3.—(1) In article 9(a) of the principal Order(d)—

- (a) for “15th August 1996” there shall be substituted “8th March 2001”; and
- (b) for the figure “£60,000” there shall be substituted the figure “£75,000”.

(2) For article 9(b) of the principal Order there shall be substituted—

- “(b) in the case of an agreement entered into before that date, up to a maximum rate of £75,000 for a 5 year conservation plan included in such agreement which agreement had commenced but which had not ended before that date.”.

(a) 1986 c.49; section 18(4) was amended by S.I. 1994/249. See section 17 for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.I. 1993/3149; amended by S.I. 1994/3067, 1996/1962 and 3082.

(c) Article 8 was amended by S.I. 1996/1962, article 5.

(d) Article 9 was amended by S.I. 1996/1962, article 6.

4.—(1) Part I of the Schedule to the principal Order shall be amended as follows:—

(a) after paragraph 7(c)(a) there shall be inserted—

“(ca) where measures under sub-paragraph (c) above are included in an agreement, and if the crofter or farmer so wishes, the provision by that person of an additional area for early and late cover for birds subject as follows:—

(i) grazing is prohibited between 28th February and 30th September except with the prior written consent of the Scottish Ministers;

(ii) grazing at times other than those specified in sub-paragraph (i) above will not exceed 0.3 livestock units per hectare except with the prior written consent of the Scottish Ministers;

(iv) cutting is prohibited except with the prior written consent of the Scottish Ministers;

(v) hay and silage are cut in a method that causes minimal damage to young birds;” and

(b) in paragraph 7(h)(b) there shall be inserted after the word “restore” the words “or create”.

(2) In paragraph 7(b)(v)(c) of Part II of the Schedule to the principal Order after the word “restore” there shall be inserted the words “or create”.

ROSS FINNIE

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
6th February 2001

(a) Paragraph 7(c) was substituted by S.I. 1996/1962, article 7(1)(d).

(b) Paragraph 7(h) was inserted by S.I. 1996/1962, article 7(1)(e).

(c) Paragraph 7(b)(v) was substituted by S.I. 1996/1962, article 7(1)(d).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Order 1993 (“the principal Order”) by increasing the ceiling for farmer and crofters within the meaning of the principal Order to £30,000 and the ceiling for common grazing committees within the meaning of the principal Order to £75,000 (articles 2 and 3).

It also allows the creation of additional areas of early and late cover for birds. This option may be exercised only where the agreement also contains provisions under paragraph 7(c) of Part I of the Schedule to the principal Order (article 4(1)).

It also makes minor amendments relating to the measures contained in the principal Order relating to the creation, as well as restoration of dykes (article 4(2)).

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