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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 143**

**The Organic Aid (Scotland) Regulations 2004**

**Phased conversions and phased entry into the maintenance part of the scheme**

**15.**—(1) Where an applicant for a conversion grant wishes to convert the relevant production unit or common grazing to organic farming methods in phases, the applicant shall—

- (a) divide the production unit or common grazing into no more than 5 areas of land;
- (b) nominate in the application the order in which these areas of land will be converted to organic farming methods; and
- (c) where the application for a conversion grant is accepted by the Scottish Ministers, give the undertakings specified in regulations 6 and 7 for the whole production unit or common grazing except that the specified conversion period in the undertakings in respect of each area of land shall be the period specified in column 2 of Schedule 8 for the corresponding area of land specified in column 1 of that Schedule.

(2) Where an applicant for a conversion grant applies to convert the relevant production unit or common grazing to organic farming methods in phases—

- (a) the specified conversion period referred to in regulation 5(1)(a)(ii) shall be deemed to be the period specified in column 2 of Schedule 8 for the last area of land to be converted; and
- (b) each area of land referred to in paragraph (1)(a) shall be deemed to be a separate production unit or common grazing for the purposes of regulation 5(2)(f).

(3) Where the Scottish Ministers accept an application for phased conversion of a production unit or common grazing—

- (a) subject to paragraph (5)(a) and (b), the specified maintenance period referred to in regulation 8(1)(a)(ii) shall be deemed to be the period specified in column 4 of Schedule 8 for the last area of land to enter the maintenance part of the scheme;
- (b) each area of land identified in terms of paragraph (1)(a) shall be deemed to be a separate production unit or common grazing for the purposes of regulations 8(2)(a) and (c) and 14(1) and (2);
- (c) for the purposes of regulation 8(2)(c) the specified conversion period for each area of land shall be the period specified in column 2 of Schedule 8 for the corresponding area specified in column 1 of that Schedule, and the specified maintenance period for each area of land shall be the period specified in column 4 of Schedule 8 for the corresponding area specified in column 1 of that Schedule;
- (d) for the purposes of regulation 14 the date of entry into the conversion part of the scheme for each area of land shall be deemed to be the date specified in column 3 of Schedule 8 for the corresponding area of land specified in column 1 of that Schedule; and
- (e) for the purposes of paragraph 7 of Schedule 4 the fifth anniversary of the date of entry into the conversion part of the scheme shall be deemed to be the fifth anniversary of the date specified in column 3 of Schedule 8 for the last area of land to be converted.

(4) An applicant for a maintenance grant who wishes to phase entry of the organic production unit or common grazing into the maintenance part of the scheme may do so if in addition to satisfying the conditions in regulation 8 and giving the undertakings set out in regulation 9–

- (a) the conversion of the relevant production unit or common grazing to organic farming methods has been phased either under these Regulations or the 1994 Regulations;
- (b) if conversion of the relevant production unit or common grazing to organic farming methods has been phased under these Regulations, the period specified in the entry in column 2 of Schedule 8 corresponding to the last area of land to be converted specified in column 1 of that Schedule, has not ended; and
- (c) if conversion of the relevant production unit or common grazing to organic farming methods has been phased under the 1994 Regulations, the specified period for the last area of land to be converted has not ended.

(5) Where an applicant for a maintenance grant is entitled to phase entry into the maintenance scheme the applicant may do so by–

- (a) identifying in the application the areas of land which have been and are being converted to organic farming methods in phases either under these Regulations or the 1994 Regulations and identifying in the application the order in which these areas of land will enter the maintenance part of the scheme which order shall be the same order as the order in which the areas of land were converted to organic farming methods, subject to sub paragraph (b);
- (b) identifying the areas of land referred to in sub-paragraph (a) which fall within regulation 8(2)(c) before the start of the period specified in column 4 of Schedule 8 for the first area of land shall be part of the first area of land and the order in which the other areas of land shall enter the maintenance part of the scheme shall be amended accordingly;
- (c) subject to sub-paragraph (b), where the application for a maintenance grant is accepted by the Scottish Ministers, giving the undertaking specified in regulation 9 for the whole production unit or common grazing except that the specified maintenance period in the undertaking for each area of land shall be the period specified in column 4 of Schedule 8 for the corresponding area of land specified in column 1 of that Schedule.

(6) Where the Scottish Ministers accept an application for phased entry into the maintenance part of the scheme of a production unit or common grazing–

- (a) each area of land identified as a separate area of land in terms of paragraph (5)(b) shall be deemed to be a separate organic production unit or common grazing for the purposes of regulation 14(1) and (2);
- (b) for the purposes of regulation 14 the date of entry into the maintenance part of the scheme for each area of land identified as a separate area of land in terms of paragraph (5)(b) shall be deemed to be the date specified in column 5 of Schedule 8 for the corresponding area of land specified in column 1 of that Schedule; and
- (c) for the purposes of paragraph 7 of Schedule 4 the fifth anniversary of the date of entry into the maintenance part of the scheme shall be deemed to be the fifth anniversary of the date specified in column 5 of Schedule 8 for the last area of land to enter the maintenance part of the scheme.