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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 143**

**The Common Agricultural Policy Single Farm Payment  
and Support Schemes (Scotland) Regulations 2005**

PROSPECTIVE

**PART 5**

**Support Schemes under Title IV of Council Regulation 1782/2003**

**Aid for energy crops**

**16.**—(1) Regulations 17 and 18 apply where an applicant uses areas covered by the aid provided for in Article 88 of Council Regulation 1782/2003 for the growing of agricultural raw materials under Article 24 of Commission Regulation 1973/2004 and references to raw materials shall be construed accordingly.

(2) Subject to paragraph (3), the Scottish Ministers are the competent authority for the purposes of Chapter 8 of Commission Regulation 1973/2004 (Aid for energy crops).

(3) In the case of an applicant, the competent authority shall be the relevant competent authority responsible for determining the particular single application in question.

(4) In this regulation, “applicant” has the meaning given to it in Article 23 of Commission Regulation 1973/2004.

**Commencement Information**

**II** Reg. 16 in force at 18.4.2005, see [reg. 1\(1\)](#)

**Provisions relating to raw material**

**17.**—(1) In accordance with Article 43(2) of Commission Regulation 1973/2004, the minimum cultivated area for any raw material referred to in Article 24 of that Regulation shall be 0.1 hectare.

(2) Where the Scottish Ministers exclude any agricultural raw material from aid for energy crops in accordance with Article 43(1) of Commission Regulation 1973/2004, they must notify the farmers concerned stating, with reasons, the details and duration of the exclusion.

(3) Raw materials to which Article 25(2)(b) of Commission Regulation 1973/2004 applies shall be weighed by an operator of public weighing equipment holding a certificate issued under section 18 of the Weights and Measures Act 1985(1).

(4) For the purposes of Article 25(4) of Commission Regulation 1973/2004, cereals and oilseeds to which that paragraph applies shall be denatured by dyeing them with a brightly coloured dye.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Common Agricultural Policy Single Farm Payment and Support Schemes (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*

(5) For the purposes of Article 34(1) of Commission Regulation 1973/2004, the last day on which a contract to which that paragraph applies may be deposited with the Scottish Ministers, which may be sent to such person as they may specify in writing, shall be the last day for submission of the relevant single application.

(6) For the purposes of Article 34(3) of Commission Regulation 1973/2004, the last day on which a first processor to whom that paragraph applies may provide the information specified in that paragraph to the Scottish Ministers, which may be sent to such person as they may specify in writing, shall be the 9th February of the year following the year in which the relevant single application is made.

(7) In this regulation—

“first processor” has the meaning given to it in Article 23 of Commission Regulation 1973/2004; and

“relevant single application” means the single application in which aid for energy crops is being claimed on the areas used for the growing of agricultural raw materials to which the contract referred to in paragraph (5), or the information referred to in paragraph (6), relates (as the case may be).

#### Commencement Information

**I2** Reg. 17 in force at 18.4.2005, see [reg. 1\(1\)](#)

#### Keeping and retention of records

**18.—**(1) Pursuant to Article 39 of Commission Regulation 1973/2004 on any day during which a processor purchases, processes, destroys, sells or otherwise disposes of any raw materials the processor shall make a record showing—

- (a) the quantities of the different raw materials purchased for processing;
- (b) the quantities of raw materials processed together with the quantity and type of end products, co-products and by-products obtained from the processing;
- (c) the quantities of wastage of raw materials during the processing;
- (d) the quantities of raw materials destroyed, if any, together with the reason for such destruction;
- (e) the quantities and type of products sold or otherwise disposed of and the price obtained; and
- (f) the names and addresses of any subsequent buyers or processors to whom the processor sells such raw materials or products of processing.

(2) A processor shall retain the records referred to in paragraph (1) for 4 years from—

- (a) where the records relate to the purchasing, processing, wastage, destruction, sale or other disposal of raw materials, the date on which the purchase, processing, waste, destruction, sale or other disposal of the raw materials occurs, as the case may be; and
- (b) where the records relate to the sale or other disposal of products obtained from the processing of such raw materials, the date on which such products were sold or otherwise disposed of, as the case may be.

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*Status: This version of this part contains provisions that are prospective.*

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### **Commencement Information**

**I3** Reg. 18 in force at 18.4.2005, see [reg. 1\(1\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.S.I. 2011/416 Sch. 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. 6 inserted by [S.S.I. 2009/391 reg. 14](#)
- reg. 22(1A) inserted by [S.S.I. 2009/391 reg. 11\(2\)](#)