

SCHEDULE 1

Regulations 2(1) and 12(1), (4) and (5)

Additional standards of good agricultural and environmental  
condition that apply to land set aside from production

**PART A**

Management options for land set aside from production

**Management options for land set aside from production**

1.—(1) Subject to sub-paragraph (2), in respect of each field or part of a field which is set aside from production in a particular calendar year, a farmer shall, during that year, comply with the conditions applicable to one of the following management options—

- (a) the Green Cover Option (the applicable conditions are set out in paragraph 2);
- (b) the Natural Regeneration Option (the applicable conditions are set out in paragraph 3); or
- (c) the Wild Bird Cover Option (the applicable conditions are set out in paragraph 4).

(2) Where—

- (a) a farmer has applied in writing to the Scottish Ministers for permission to manage land set aside from production in accordance with a management plan set out in that application; and
- (b) has obtained the written consent of the Scottish Ministers to that plan,

the farmer need not comply with the conditions set out in the following paragraphs of this Schedule, but shall instead manage the land in accordance with that management plan.

(3) In this Schedule—

- “the current scheme year” means the particular year referred to in sub-paragraph (1);
- “the current set-aside period” means the set-aside period during the current scheme year;
- and expressions such as “the previous scheme year” and “the following scheme year” shall be construed accordingly.

(4) In paragraphs 2(1)(b), 3(1)(b) and 4(1)(c), “the relevant period” in relation to a field or part of a field (as the case may be) set aside from production means—

- (a) where the farmer does not intend to set aside the field or part of a field (as the case may be) from production in the following year or intends to set it aside for a non-food purpose in the following year, the current scheme year; and
- (b) where the farmer intends to set aside the field or part of a field (as the case may be) from production in the following year (but does not intend to set it aside for a non-food purpose), the current set-aside period.

**The Green Cover Option**

2.—(1) In respect of each field or part of a field to be managed in accordance with the Green Cover Option, a farmer shall—

- (a) subject to sub-paragraph (2) and paragraph 6, establish a green cover by the start of the current set-aside period by sowing—
  - (i) grass seed;

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- (ii) a mixture of grass seed and the seed of native broad-leaved plants not commonly used for agricultural production (which mixture shall not contain more than 50 per cent by weight of legumes);
  - (iii) mustard seed; or
  - (iv) phacelia seed;
  - (b) subject to paragraphs 7, 11 and 12, maintain the green cover thereafter until the end of the relevant period; and
  - (c) cut or destroy the green cover in accordance with paragraph 5.
- (2) The requirement to establish a green cover in accordance with paragraph (1)(a) shall not apply where—
- (a) in 2005—
    - (i) the field or part of a field was set aside in 2004 pursuant to Article 6 of Council Regulation 1251/1999;
    - (ii) the field or part of a field was managed during that year in accordance with the grassland option set out in paragraph 2 of Schedule 2 to the Arable Area Payments Regulations 1996; and
    - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year; and
  - (b) in 2006 and thereafter—
    - (i) the field or part of a field was set aside in the previous year;
    - (ii) the field or part of a field was managed during that year in accordance with the sown green cover option; and
    - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year.

### **The Natural Regeneration Option**

3.—(1) In each field or part of a field to be managed in accordance with the Natural Regeneration Option, a farmer shall—

- (a) subject to sub-paragraph (2) and paragraph 6, establish a green cover by the beginning of the current Scheme year by allowing natural regeneration of a herbage seed crop or combinable crop (other than a crop including maize or legumes) produced in that field or part of a field;
  - (b) subject to paragraphs 7, 11 and 12, maintain the green cover thereafter until the end of the relevant period; and
  - (c) cut or destroy the green cover in accordance with paragraph 5.
- (2) The requirement to establish a green cover in accordance with paragraph (1)(a) shall not apply where—
- (a) in 2005—
    - (i) the field or part of a field was set aside in 2004 pursuant to Article 6 of Council Regulation 1251/1999;
    - (ii) the field or part of a field was managed during that year in accordance with the natural regeneration option set out in paragraph 3 of Schedule 2 to the Arable Area Payments Regulations 1996; and
    - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year; and

- (b) in 2006 and thereafter—
  - (i) the field or part of a field was set aside in the previous year;
  - (ii) the field or part of a field was managed during that year in accordance with the natural regeneration option; and
  - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year.

### **The Wild Bird Cover Option**

4.—(1) In each field or part of a field to be managed in accordance with the wild bird cover option, a farmer—

- (a) shall, subject to sub-paragraph (3) and paragraph 6, either—
  - (i) establish a green cover by the start of the current scheme year by allowing natural regeneration of the herbage seed crop or combinable crop (other than a crop including maize or legumes) produced in that field or part field in the previous scheme year; or
  - (ii) establish a green cover by the start of the current scheme year by sowing a cover comprising a mixture of crops of different types which—
    - (aa) is a mixture of crops that it would not be practicable to harvest separately;
    - (bb) is not a mixture only of different types of cereal or of different types of brassica; and
    - (cc) is not a mixture only of one type of crop and legumes, a mixture only of cereals and legumes, or a mixture only of brassicas and legumes,unless the field or part field was set aside in the previous scheme year, was managed during that scheme year in accordance with the Wild Bird Cover Option, and the green cover established in accordance with the requirements of the Green Cover Option has been maintained until the beginning of the current scheme year;
- (b) shall, where a green cover was established by the start of the current scheme year in accordance with sub-paragraph (a)(i)—
  - (i) maintain that green cover until it is replaced in accordance with sub-paragraph (ii); and
  - (ii) replace that green cover by sowing a new green cover in accordance with paragraph (a)(ii) as early as is practicable after the start of the current scheme year;
- (c) subject to sub-paragraph (d) and paragraphs 7, 11 and 12, maintain the green cover established under paragraph (a)(ii) or (b)(ii) until the end of the relevant period; and
- (d) shall cut or destroy the cover in accordance with paragraph 5, unless—
  - (i) the field is to be set aside from production in the following year; and
  - (ii) the farmer has not harvested any of the green cover, or permitted any of it to be harvested or grazed, in the current scheme year.

(2) A farmer shall ensure, when replacing the green cover pursuant to sub-paragraph (1)(d), that the requirements of paragraph 12(1) are satisfied.

(3) The requirement to establish a green cover in accordance with sub paragraph (1)(a) shall not apply where—

- (a) in 2005—
  - (i) the field or part of a field was set aside in 2004 pursuant to Article 6 of Council Regulation 1251/1999;

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- (ii) the field or part of a field was managed during that year in accordance with the wild bird cover option set out in paragraph 4 of Schedule 2 to the Arable Area Payments Regulations 1996; and
  - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year; and
- (b) in 2006 and thereafter–
- (i) the field or part of a field was set aside in the previous year;
  - (ii) the field or part of a field was managed during that year in accordance with the wild bird cover option; and
  - (iii) the green cover established in accordance with the requirements of that option has been maintained until the beginning of the current scheme year.

#### **Cutting or destruction of the green cover**

5.—(1) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 4, a farmer shall either–

- (a) subject to sub-paragraph (2), cut the green cover to an average length of no more than 10 centimetres between 15th July and 15th August during the current set-aside period; or
- (b) destroy the green cover between 15th July and 31st August during the current set aside period.

(2) A farmer may (where the farmer cuts the green cover in a field or part of a field in accordance with sub paragraph (1)(a))–

- (a) leave uncut a strip of green cover up to 2 metres wide adjacent to any hedgerow, woodland or watercourse; and
- (b) in the case of a field which is to be set aside in the following scheme year, leave uncut a further 25% of the area set aside in that field, provided that any area left uncut in accordance with this paragraph which has also been left uncut in the previous two years in accordance with this paragraph (or paragraph 7(2)(b) of Schedule 2 to the Arable Area Payments Regulations 1996(1)) is cut in accordance with sub-paragraph (1) in the following year.

#### **Exemptions from the requirement to establish a green cover on set-aside land**

6.—(1) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 4, a farmer is not required to establish a green cover by the start of the current scheme year where the farmer satisfies the Scottish Ministers that for climatic reasons it was not practicable for there to be such a green cover by that time, in which case the farmer shall establish a green cover as soon as reasonably possible thereafter.

(2) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 4, a farmer need not establish a green cover on–

- (a) a strip of land up to 1 metre wide forming part of the land set aside and bordering its edge, where the strip of land set aside adjoins land planted with a crop other than a seed crop;
- (b) a strip of land up to 2 metres wide forming part of the land set aside and bordering its edge, where the strip of land set aside adjoins land planted with a seed crop; or

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(1) S.I. 1996/3142 as amended by S.I. 1997/2969, S.I. 1998/3169 and S.I. 1999/8.

- (c) a strip of land up to 5 metres wide forming part of the land set aside and bordering its edge in any place where vehicular access to that land from a road or track adjacent to that land may be possible, provided that the strip is ploughed and left as bare fallow.

### **Exemptions from the requirement to maintain a green cover on the land set aside from production**

7.—(1) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 4, a farmer is not required to maintain a green cover on the land set aside from production where that green cover is destroyed following the application of herbicide to the land on or after 15th April in the current scheme year, which exemption shall run from the time of the application until (where the land is to be set aside in the following scheme year but is not to be used as land set aside for the production of raw materials) the commencement of the following Scheme year.

(2) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 4, a farmer shall by virtue of this provision be treated as exempt from a requirement to maintain a green cover where the farmer satisfies the Scottish Ministers that the green cover which the farmer established failed and the farmer could not reasonably have prevented such failure, such exemption lasting from the time of the failure to the end of the current scheme year.

(3) In each field or part of a field to which this paragraph is applied by virtue of any of paragraphs 2 to 5, and where a farmer has chosen not to establish a green cover on a strip of land pursuant to paragraph 6(2), the farmer need not maintain any green cover which nevertheless subsequently becomes established on that strip.

## **PART B**

### **General standards applying to all land set aside from production**

#### **Application of conditions to all land set aside from production**

8. The provisions in paragraphs 9 to 14 shall apply to all land set aside from production that is managed by a farmer in accordance with any of the provisions of paragraphs 1 to 7.

#### **Prohibition on sowing and preparation for sowing a crop on, and the cultivation of, the land set aside from production**

9. Subject to paragraphs 10 and 11, prior to the end of the current set-aside period, a farmer shall not sow or carry out any preparation for sowing a crop on the land set aside from production or otherwise cultivate that land.

#### **Exemptions from the prohibition on sowing and preparation for sowing a crop on the land set aside from production**

10.—(1) A farmer may make preparations for sowing on or after 15th July.

(2) Subject to sub-paragraph (3), a farmer may sow any seed on or after 15th July prior to the end of the current set-aside period where the seed sown is sown in order to produce a crop for harvesting in the following year.

(3) Where a farmer sows a grass ley on land set-aside from production pursuant to the exemption in sub-paragraph (2), the farmer shall not graze any animals on that land during the remainder of the current year.

### **Exemption from prohibition on cultivation of land set aside from production for the purpose of weed control**

**11.**—(1) A farmer may cultivate the land set aside from production for the purposes of controlling weeds—

- (a) where the farmer is not an accepted organic farmer, at any time on or after 15th July prior to the end of the current set aside period; and
- (b) where the farmer is an accepted organic farmer, at any time on or after 1st May prior to the end of the current set-aside period.

(2) In this paragraph, “accepted organic farmer” means a farmer who—

- (a) satisfies the Scottish Ministers that such a farmer farms the land by organic means or is converting to so farming the land; and
- (b) has notified the Secretary of State, as designated by the Organic Products Regulations 2004<sup>(2)</sup>, under Article 8(1)(a) of Council Regulation (EC) No. 2092/91 as amended<sup>(3)</sup> that by so farming the land or converting it products of a kind specified in Article 1 of that Council Regulation are produced and that the farmer has submitted to the inspection system referred to in Article 9 of that Council Regulation.

### **Replacement of the green cover and changing management options**

**12.**—(1) Subject to sub-paragraphs (2) and (3), in any period during which a farmer is required to maintain a green cover in a field or part of a field, the farmer may nevertheless replace that green cover with another provided that the seed is sown as soon as is practicable after the destruction of the existing green cover.

(2) Where the cover is to be replaced in part only of a field, the farmer may nevertheless replace the green cover with another provided that the seed to be sown to establish a replacement green cover shall be seed of a type listed in paragraph 2(1)(a).

(3) A farmer shall, in respect of the field or part of a field where the green cover has been replaced, comply with such of the conditions set out in Part A of this Schedule as they relate to one of the following management options—

- (a) where the seed sown complies with the requirements of paragraph 2(1)(a), the Green Cover Option referred to in paragraph 2;
- (b) where the seed sown complies with the requirements of paragraph 4(1)(a)(ii), the Wild Bird Cover Option referred to in paragraph 4; or
- (c) where the provisions of paragraph 1(3) apply, the provisions of the management plan referred to in that paragraph,

except that the farmer shall not be required to establish a green cover (as required by paragraph 2(1)(a) or 4(1)(a)) different from the replacement green cover sown in accordance with the provisions of this paragraph.

(4) Where a farmer is exempted from a requirement to maintain a green cover pursuant to regulation 11, the farmer shall (unless also exempted from the requirements of this sub-paragraph pursuant to that regulation) replace the green cover once destroyed in accordance with sub paragraphs (1) to (3) above.

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(2) [S.I. 2004/1604](#).

(3) O.J. No. L 198, 22.7.1991, p.1, relevantly amended by Council Regulations (EC) No. 1804/1999 (O.J. No. L 222, 24.8.1999, p.1) and (EC) No. 746/2004 (O.J. No L 65, 26.4.2004, p.10).

### **Use of the green cover**

13.—(1) A farmer shall ensure that, subject to sub-paragraph (2), no green cover or cuttings from any green cover are used for seed production or any other commercial or agricultural purpose in the current scheme year.

(2) A farmer may use any such green cover or cuttings—

- (a) for any agricultural purposes after 31st August; and
- (b) to place on the market any cuttings or crops that are produced after 15th January in the following scheme year.

(3) A farmer shall ensure that no cuttings produced by cutting the green cover are removed from the set-aside land concerned except in accordance with sub-paragraph (2) or with the prior consent of the Scottish Ministers.

### **Application of fertiliser, waste, lime and gypsum to the land set-aside from production**

14.—(1) A farmer shall not apply any fertiliser, waste, lime or gypsum to the land set aside from production except in accordance with the following sub-paragraphs.

(2) A farmer may apply fertilisers to the land set aside from production if prior to such application the farmer satisfies the Scottish Ministers that the land is situated in an area known to be used as a feeding area by geese in winter and is to be managed as such an area.

(3) Throughout the set-aside period a farmer may apply organic waste to the land set aside from production provided that it—

- (a) is applied only where there is an existing green cover on the set-aside land;
- (b) is applied in amounts which will not destroy that green cover; and
- (c) in the case of manure and slurry, is not applied—
  - (i) within 10 metres of any watercourse; or
  - (ii) within 50 metres of any boreholes.

(4) A farmer may apply fertiliser to any agricultural parcel of land managed in accordance with paragraph 4 during the current scheme year where a new green cover is being established in that scheme year, provided that the total nitrogen content of that fertiliser is not more than 30 kilograms per hectare of the land to which it is applied.

(5) A farmer shall not store, dump or otherwise dispose of any waste on the land set aside from production, except that the farmer may store organic waste in a field which forms all or part of the set-aside land where that organic waste is to be applied by that farmer to that field in accordance with sub-paragraph (3).

(6) A farmer may apply lime or gypsum to the land set aside from production where that land is to be cropped in the following year.

## SCHEDULE 2

Regulations 2(1) and 12(2), (4) and (5)

Additional standards of good agricultural and environmental condition  
that apply to land set aside for the provision of non-food crops

### **Application of fertilisers and waste to land set aside for the provision of non-food crops**

1. Subject to paragraph 2, a farmer shall not apply any fertiliser or waste to land set aside for the provision of non-food crops.

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2. A farmer may apply fertiliser or waste to the set-aside land for the provision of non-food crops only to the extent that—
- (a) if it is necessary to do so in order to ensure the proper growth of the non-food crops being produced on it; and
  - (b) in a manner which is consistent with the Code of Good Practice for the Protection of Environmental Pollution from Agricultural Activity, approved by the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005<sup>(4)</sup>.

### SCHEDULE 3

Regulation 21(2)

#### Beef Calf Scheme ineligible breeds

1. Angler Rotvieh (Angeln) Rød dansk maelkerace (RDM).
2. Ayrshire.
3. Armoricaïne.
4. Bretonne Pie-Noire.
5. Friesian, including Fries Holland (FH); Francaise frisonne pie noire (FFPN); British Friesian; Friesian-Holstein; Holstein; Black and White Friesian; Red and White Friesian; Frisona Italiana; Frisona Espanola; Zwartbonten van Belgie/Pie-noire de Belgique; Sørtbrøget dansk maelkerace (SDM); Deutsche Schwartzbunte and Swartzbunte Milchrasse (SMR).
6. Groninger Blaarkop.
7. Guernsey.
8. Jersey.
9. Malkeborhorn.
10. Reggiana.
11. Valdostana Nera.
12. Itäsuomenkarja.
13. Länsisuomenkarja.
14. Pohjoissuomenkarja.

### SCHEDULE 4

Regulation 25

#### Scottish Beef Calf Scheme administration and enforcement

##### Interpretation

1. In this Schedule—

“authorised person” means a person (whether or not an officer of the Scottish Ministers) who is authorised by the Scottish Ministers, either generally or specifically, to act in matters arising under Part 6 and this Schedule;

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(4) [S.S.I. 2005/63](#).



“LIBOR” means the sterling three month London interbank offered rate;

“specified control measure” means any check which a member State is required to carry out in relation to a claim under the Scheme, or by Council Regulation 1782/2003 or Commission Regulation 796/2004 in relation to the Scheme;

“specified record” means any record which a keeper is required (or has been required) to retain by virtue of–

- (a) Article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990<sup>(5)</sup>;
- (b) Article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995<sup>(6)</sup>;
- (c) Articles 7(1) and 7(4) of Council Regulation 820/97 and the Cattle Identification (Enforcement) Regulations 1997<sup>(7)</sup>;
- (d) Articles 7(1) and 7(4) of Council Regulation 820/97 and the Cattle Identification Regulations 1998<sup>(8)</sup>;
- (e) Articles 7(1) and 7(4) of Regulation (EC) No. 760/2000 and the Cattle Identification Regulations 1998; or
- (f) regulation 5 of the Cattle (Identification of Older Animals) (Scotland) Regulations 2001<sup>(9)</sup>.

### **Powers of authorised persons**

2.—(1) An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing that authority of that person, exercise the powers specified in this regulation for the purposes of–

- (a) carrying out any specified control measure; or
- (b) ascertaining whether an offence under paragraph 7(d) has been or is being committed.

(2) An authorised person may enter any land, other than land used only as a dwelling, which is, or which such person has reasonable cause to believe to be, an IACS holding or keeper’s holding occupied by, or in the possession of, an applicant or any employee, agent, contractor or tenant of an applicant or keeper.

(3) An authorised person who has entered any land by virtue of this regulation may–

- (a) inspect and verify the total area of land farmed by an applicant or used by a keeper;
- (b) inspect and count any cattle on that land; and
- (c) carry out any other activity which is a specified control measure.

(4) An authorised person may–

- (a) require an applicant or keeper or any employee or agent of an applicant or keeper to produce any specified record and to supply such additional information in the possession or under the control of that person relating to an application for premium as the authorised person may reasonably request;
- (b) inspect any such specified record and, where any such record is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any

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(5) S.I. 1990/1867, as amended by S.I. 1993/503 and revoked by S.I. 1995/12.

(6) S.S.I. 1995/12, partially revoked by S.I. 1998/871.

(7) S.I. 1997/1901, revoked by S.I. 1998/871.

(8) S.I. 1998/871, as amended by S.I. 1998/1796, 1998/2969 and 1999/1339.

(9) S.S.I. 2001/1 as amended by S.S.I. 2002/22.

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associated apparatus or material which is or has been used in connection with that specified record;

- (c) require that copies of, or extracts from, any specified record be produced;
  - (d) seize and retain any such specified record which that authorised person has reason to believe may be required as evidence in proceedings under Part 6 and this Schedule and, where any such record is kept by means of a computer, require it to be produced in a form in which it may be taken away;
  - (e) carry out any inquiries, checks, examinations and tests;
  - (f) take samples;
  - (g) inspect all or any part of the land whether it is farmed or is withdrawn from agricultural production, including land set aside pursuant to Articles 54 and 55(b) of Council Regulation 1782/2003;
  - (h) mark any animal or other thing for identification purposes;
  - (i) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the authorised person may reasonably expect.
- (5) An authorised person entering any premises by virtue of this regulation may be accompanied by—
- (a) such other persons as that person considers necessary to exercise the powers specified in this regulation; and
  - (b) any representative of the European Commission acting for the purpose of Article 27 of Council Regulation 1782/2003.
- (6) If an authorised person enters any unoccupied premises that person shall leave those premises at least as effectively secured against unauthorised entry as when that person took entry.

#### **Assistance to authorised persons**

3. An applicant or keeper or any employee or agent of an applicant or keeper shall give to an authorised person such assistance as such person may reasonably request so as to enable that authorised person to exercise any power conferred by regulation and in particular, in relation to any cattle, shall arrange for the collection, penning and securing of such cattle, if so requested.

#### **Withholding and recovery of payments**

4.—(1) Where—

- (a) an applicant; or
- (b) a person (other than an applicant) who was at that time an employee or agent of an applicant or a keeper,

intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under the instructions of such person, from exercising a power under paragraph 2, or fails without reasonable excuse to comply with a request made by an authorised person when carrying out a specified control measure, the Scottish Ministers shall be entitled to recover on demand as a debt from that applicant the whole of any Scheme payment to that applicant.

(2) Where an applicant is liable to repay all or part of a Scheme payment in accordance with Article 73 of Commission Regulation 796/2004, the amount of the repayment, together with the

interest on that amount calculated in accordance with paragraph 6, shall be recoverable as a debt on demand to Scottish Ministers.

(3) In any legal proceedings brought pursuant to sub-paragraph (2), a certificate of the relevant competent authority which—

- (a) sets out the LIBOR applicable during a specified period; and
- (b) includes a statement that the Bank of England or the coordinating body notified the Scottish Ministers of that rate for that period,

shall be evidence of the rate applicable during that period.

(4) In sub-paragraph (3), “the coordinating body” means the coordinating body referred to in Article 4(1) of Council Regulation (EC) No. 1258/1999 on the financing of the common agricultural policy<sup>(10)</sup>.

### **Set off**

5.—(1) Without prejudice to the amount of any sum payable by a competent authority to the Scottish Ministers, the amount of any sum payable by the Scottish Ministers under these Regulations or by a competent authority, whether as principal or agent, or by way of a specified payment with in the meaning of the IACS Regulations, may be set-off against the amount of any such sum recoverable by the Scottish Ministers or by a competent authority.

(2) In this regulation, “competent authority” has the meaning given in regulation 5 of the IACS Regulations.

### **Rate of interest**

6.—(1) Interest shall be charged in respect of each day of the period referred to in Article 73(3) of Commission Regulation 796/2004.

(2) For the purposes of Article 73(3) of Commission Regulation 796/2004 the rate of interest applicable on any day shall be one percentage point above the LIBOR on that day.

### **Offences**

7. It shall be an offence for a person—

- (a) intentionally to obstruct an authorised person in the exercise of a power conferred by paragraph 2;
- (b) without reasonable excuse, to fail to comply with a request made under paragraph 3; or
- (c) knowingly or recklessly to make a statement or furnish any information which is false or misleading in a material particular where the statement is made or the information is furnished for the purposes of obtaining for that or any other person the whole or any part of any Scheme payment.

### **Penalties**

8.—(1) A person guilty of an offence under paragraph 7(a) or (b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person guilty of an offence under paragraph 7(c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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<sup>(10)</sup> O.J. No. L 160, 26.6.99, p.103.

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### Time limit for prosecutions

9.—(1) Proceedings for an offence under the Scheme may be commenced within the period of 12 months from the date on which the offence was committed.

(2) Section 136(3) of the Criminal Procedure (Scotland) Act 1995<sup>(11)</sup> (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

### Offences by bodies corporate

10.—(1) Where an offence under the Scheme committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of sub paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate.

## SCHEDULE 5

Regulation 27

### Revocations

<i>Column 1 – Regulations revoked</i>	<i>Column 2 – References</i>	<i>Column 3 – extent of revocation</i>
The Sheep Annual Premium Regulations 1992	<a href="#">S.I. 1992/2677</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.
The Sheep Annual Premium (Amendment) Regulations 1994	<a href="#">S.I. 1994/2741</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.
The Sheep Annual Premium (Amendment) Regulations 1995	<a href="#">S.I. 1995/2779</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.

<sup>(11)</sup> 1995 c. 46.

<i>Column 1 – Regulations revoked</i>	<i>Column 2 – References</i>	<i>Column 3 – extent of revocation</i>
The Sheep Annual Premium (Amendment) Regulations 1996	<a href="#">S.I. 1996/49</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.
The Arable Area Payments Regulations 1996	<a href="#">S.I. 1996/3142</a>	The whole Regulations so far as they extend to Scotland.
The Sheep Annual Premium (Amendment) Regulations 1997	<a href="#">S.I. 1997/2500</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.
The Arable Area Payments (Amendment) Regulations 1997	<a href="#">S.I. 1997/2969</a>	The whole Regulations so far as they extend to Scotland.
The Arable Area Payments (Amendment) Regulations 1998	<a href="#">S.I. 1998/3169</a>	The whole Regulations so far as they extend to Scotland.
The Arable Area Payments (Amendment) Regulations 1999	<a href="#">S.I. 1999/8</a>	The whole Regulations so far as they extend to Scotland.
The Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000	<a href="#">S.S.I. 2000/429</a>	The whole Regulations.
The Sheep Annual Premium (Amendment) Regulations 2001	<a href="#">S.I. 2001/281</a>	The whole Regulations in so far as the Scottish Ministers are the relevant competent authority in relation to the holding for the purposes of the IACS Regulations.
The Suckler Cow Premium (Scotland) Regulations 2001	<a href="#">S.S.I. 2001/225</a>	The whole Regulations.
The Beef Special Premium (Scotland) Regulations 2001	<a href="#">S.S.I. 2001/445</a>	The whole Regulations.
Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001	<a href="#">S.S.I. 2000/390</a>	Regulation 3(13).
The Extensification Payment (Scotland) Regulations 2001	<a href="#">S.S.I. 2002/278</a>	The whole Regulations.

**Status:** This is the original version (as it was originally made).

<i>Column 1 – Regulations revoked</i>	<i>Column 2 – References</i>	<i>Column 3 – extent of revocation</i>
The Sheep Annual Premium and Suckler Cow Quotas Regulations 2003	<a href="#">S.I. 2003/2261</a>	The whole Regulations so far as they extend to Scotland.
The Common Agricultural Policy Support Schemes (Modulation) (Scotland) Amendment Regulations 2004	<a href="#">S.S.I. 2000/398</a>	The whole Regulations.