

SCHEDULE 3

Regulation 2(5)

INTERPRETATION OF SCHEDULES

Commencement Information

II Sch. 3 in force at 15.5.2005, see [reg. 1\(1\)](#)

In Schedules 1 and 2 and in this Schedule—

“alpaca” means any alpaca of any breed which are kept by way of business for the primary purpose of fibre production;

“cropped machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat and which has been subject to cultivation within the last 10 years;

“EN45011 standard” means the recognised European standard for the accreditation of bodies involved in product quality certification;

“ewe” means a female sheep which is at least one year old on the 1st of January preceding the application for aid and which is kept in a breeding flock;

“farmed deer” means any deer (of any species) which are managed on a holding enclosed by a deer-proof barrier and are kept on the holding by way of business for the primary purpose of the production of meat;

“goat” means any goat (of any species) which is kept by way of business for the purposes of fibre, meat or milk production;

“hedge” means a line of shrubs or trees which delineate field boundaries;

“improved grassland” means either land used for grazing where over one third of the sward comprises, singly or in mixture, ryegrass, cocksfoot or timothy, or land that has been improved by management practices such as liming and top dressing, where there is not a significant presence of sensitive plant species indicative of native unimproved grassland;

“in by land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;

“injurious weeds” means creeping, spear or field thistle, curled or broadleaved dock, and common ragwort;

“land set aside for non-food purposes” means land set aside pursuant to Article 55(b) of Council Regulation 1782/2003 under the conditions laid down in Chapter 16 of Commission Regulation 1973/2004 for the provision of materials for the manufacture within the European Community of products not primarily intended for human or animal consumption, and any reference to a farmer setting aside land for that purpose shall be construed accordingly;

“land set aside from production” means land set aside pursuant to Article 54(3) of Council Regulation 1782/2003 (other than land set aside for non-food purposes), and any reference to a farmer setting aside land from production shall be construed accordingly;

“Lantra” means the Sector Skills Council for the Environmental and Land based Sector;

“Less Favoured Area” has the same meaning as in regulation 2(1) of the Less Favoured Area Support Scheme (Scotland) Regulations 2004(1);

“livestock” means bovine, ovine, caprine, alpaca and farmed deer;

“livestock unit” means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:—

(1) [S.S.I. 2004/70](#), amended by [S.S.I. 2004/128](#) and [2005/64](#).

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

- (a) one cow (including suckling calves);
- (b) one unit of cattle, other than a cow, aged 24 months and over;
- (c) 1.66 cattle, other than cows, aged over 6 months but less than 24 months;
- (d) 6.66 ewes (including suckling lambs);
- (e) 6.66 sheep, other than ewes;
- (f) 6.66 goats;
- (g) 2.5 adult stags farmed deer aged 27 months and over;
- (h) 3.33 hinds farmed deer (including suckling calves) aged 27 months and over;
- (i) 5 juvenile farmed deer, aged over 6 months but less than 27 months;
- (j) 3.33 alpacas;

“local government area” means the area for which a council is constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽²⁾;

“machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat but does not include cropped machair;

“moorland” means land with predominantly semi natural upland vegetation or comprising predominantly rock outcrops and semi natural upland vegetation, which is used for rough grazing;

“muirburn” has the same meaning as in section 39(1)(f) of the Hill Farming Act 1946⁽³⁾;

“native woodland” means self seeded woodland of native species or woodland derived from an originally naturally occurring woodland;

“overgrazing” means grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree;

“pesticides” means herbicides, insecticides or fungicides;

“poaching” means the trampling or treading of the ground surface by livestock resulting in permanent damage to the vegetation;

“reverted improved grassland” means land, previously improved by agricultural management operations which, from an agricultural viewpoint, has degenerated and is now showing significant presence of plant species indicative of unimproved grassland;

“rough grazings” means land containing semi natural vegetation including heathland, heather moorland, bog and rough grassland used or suitable for use as grazing;

“rush pasture” means permanent pasture on poorly drained in bye land that is periodically saturated with water where extensive areas are dominated by soft rush and/or compact rush;

“Scottish Outdoor Access Code” means the code prepared under section 10 of the Land Reform (Scotland) Act 2003⁽⁴⁾

“scrub” means low growing woody vegetation of small trees and shrubs including linear scrub along field margins;

“semi natural woodland” means native woodland which has been modified by human activity;

“undergrazing” means grazing at a level where there is evidence of the annual growth not being fully utilised or scrub or coarse vegetation is becoming evident and such changes are detrimental to the environmental interest of the site;

(2) 1994 c. 39.

(3) 1946 c. 73.

(4) 2003 asp 2.

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*

“unenclosed or hill land” means rough grazings;

“unimproved grassland” means in bye land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute either improved grassland or rough grazings;

“water margin” means an area of in bye land bordering an area of still or flowing water; and

“wetland” means in bye ground which is normally saturated with water for a significant proportion of the year.

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- sch 3 am by [S.S.I. 2006/213 reg 5](#)

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\(2\)\(b\)](#)