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**EXECUTIVE NOTE**  
**THE LESS FAVOURED AREA SUPPORT SCHEME (SCOTLAND) AMENDMENT**  
**(No. 2) REGULATIONS 2005 S.S.I. 2005/624**

The above instrument is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure and will come into force on January 2006. The Regulations amend SSI /2005/569.

**Background**

1. The European Commission Rural Development regulations make provision for a scheme of area based support for farmers in the Less Favoured Areas (LFA). Less favoured areas are those that suffer from a permanent natural disadvantage such as, for example, poor soil, adverse climate or difficult topography, that makes it difficult for them to compete on level terms with other areas. In Scotland 85% of agricultural land is classified as within an LFA. The principal regulations, SSI 2005/569, provide for payment of Less Favoured Area Support (LFAS) in Scotland in 2006, and should come into force on 2 December. The amending SSI corrects minor errors in and two omissions from the schedules to the principal regulations

**Regulation 3 – Amendment to Schedule 1**

3. The table in part II of Schedule 1 of 2005/569, which sets out the formula for the stocking density calculation, contained minor errors. The replacement table in amending regulation 3 corrects these mistakes.

**Regulation 4 – Amendment to Schedule 2**

4. Part 1 of Schedule 2 of 2005/569 lists certain environmental legislation which LFAS applicants must comply with, or suffer penalty under the scheme. Three out of a total of 15 instruments were omitted from the list. Amending regulation 4 inserts the missing references.

**Regulation 5 – Amendment to Schedule 7**

5. Schedule 7 of 2005/569 contains the LFAS 2006 payment rates. Part 1 contains the payment rates per hectare for More Disadvantaged Land but part II, which should set out the rates for Less Disadvantaged Land, was omitted in error. Amending regulation 5 inserts the missing table.

**Effects of the Instrument**

6. This instrument corrects mistakes in the schedules to the principal regulations. 2005/569, as amended, will enable the Scottish Executive to inject around £61 million into LFA farming businesses in Scotland in Spring 2006.

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## **Consultation**

7. The LFASS 2006 scheme arrangements were discussed and agreed with LFA stakeholders. The amending regulations were not subject to separate consultation because they simply ensure that the principal regulations reflect accurately the agreed arrangements.

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## **Compliance with Parliamentary Procedures**

8. Article 10(2) of The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (No. 1096) is being complied with. This provision normally requires at least 21 days to elapse between an instrument being laid and it coming into force.

## **Periodicity of the Instrument**

9. This Instrument is for LFASS 2006 only, and it is envisaged that it will remain in force until early 2007.

Scottish Executive Rural Affairs Department  
1 December 2005