

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Less Favoured Area Support Scheme (Scotland) Regulations 2004 (“the principal Regulations”). The amendments come into force on 12th March 2005. These Regulations make provision for the purposes of implementation of Commission Regulation (EC) No. 817/2004 which lays down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF).

Regulation 4 of the principal Regulations is amended (by regulation 4 of these Regulations) to alter the circumstances when an applicant may be released from an undertaking to continue to use eligible land (defined in regulation 6 of the principal Regulations) for eligible agricultural activities (regulation 2(1) of the principal Regulations).

The years referred to in regulations 9, 10, 11, and 13 of the principal Regulations are updated (by regulations 5, 6, 7 and 9 respectively).

Regulation 14 of the principal Regulations is amended to update the reference to the appropriate Commission Regulation (regulation 10).

Regulation 15 of the principal Regulations is amended to clarify that it applies to persons who appear to have charge of animals (regulation 11).

Regulation 16(c) and (d) of the principal Regulations is amended to provide that the applicant must comply with good farming practices and environmental controls on all of the holding and not just the eligible land (regulation 12).

Regulation 24 of the principal Regulations is amended to provide that appeals against decisions concerning the eligibility of a holding will be conducted by persons appointed by the Scottish Ministers, instead of by the Hill Farming Advisory Committee (regulation 13).

Regulation 25 of the principal Regulations is amended to clarify that reviews of determinations may consider documents or other evidence that was not available at the previous determination (regulation 14).

Part I of Schedule 2 to the principal Regulations is amended to insert references to the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005 and the Welfare of Farmed Animals (Scotland) Regulations 2000. Part II of Schedule 2 is amended to insert additional verifiable standards concerning animal welfare (regulation 15).

Paragraph 1 of Schedule 8 to the principal Regulations is amended to remove an unnecessary definition (regulation 16).

Regulation 17 is a savings provision to ensure that the principal Regulations, as they had effect prior to these Regulations, continue to apply to 2004 Scheme payments made under the principal Regulations.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Less Favoured Area Support Scheme (Scotland) Amendment 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 :

- Instrument rev by [S.S.I. 2005/569 reg 26\(1\)](#)
- Regulations revoked by [S.S.I. 2007/439 reg. 26\(1\)](#)
- reg. 1 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 2 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 3 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 4 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 5 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 6 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 7 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 8 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 9 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 10 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 11 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 12 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 13 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 14 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 15 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 16 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)
- reg. 17 coming into force by [S.S.I. 2005/64 reg. 1\(1\)](#)