

**2006 No. 601**

**AGRICULTURE**

**The Less Favoured Area Support Scheme (Scotland)  
Amendment Regulations 2006**

*Made* - - - - - *14th December 2006*

*Laid before the Scottish Parliament* *15th December 2006*

*Coming into force* - - - *22nd December 2006*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2006 and shall come into force on 22nd December 2006.

**Amendment of the Less Favoured Area Support Scheme (Scotland) Regulations 2005**

2. The Less Favoured Area Support Scheme (Scotland) Regulations 2005(b) are amended in accordance with regulations 3 to 7.

**Amendment of regulation 2**

3. In regulation 2(1) (interpretation) after the definition of “Suckler Cow Premium Scheme” insert:—

““supplementary payment” means a payment of less favoured area support made under regulation 5 to an applicant who has already applied for payment in accordance with regulation 3 under Scheme 2006 and has been paid a Scheme 2006 payment in accordance with regulation 5;”.

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2005/569 as amended by S.S.I. 2005/624.

#### **Amount of supplementary payment**

4. After regulation 8 (amount of less favoured area support), insert:–

##### **“Amount of supplementary payment**

**8(a).**—(1) Subject to paragraph (2) and regulation 13(a) (minimum supplementary payment), the amount of supplementary payment shall be calculated in accordance with the following formula:–

$$\text{LFAS}_2 = P \times R_2$$

where–

LFAS<sub>2</sub> is the amount of supplementary payment;

P is the payable area calculated in accordance with regulation 9 and, where appropriate, adjusted in accordance with regulation 11; and

R<sub>2</sub> is the rate of payment determined in accordance with regulation 12(a).

(2) Where an applicant has eligible land in more than one grazing category (as determined for the purposes of regulation 9) then–

- (a) the calculation in paragraph (1) shall be applied in respect of the total area of eligible land in each grazing category and, for the purposes of each calculation–
  - (i) P is the payable area of land in each grazing category calculated in accordance with regulation 9 and, where appropriate, adjusted in accordance with regulation 11; and
  - (ii) R<sub>2</sub> is the rate of payment for each type of grazing category determined in accordance with regulation 12(a); and
- (b) the total amount of supplementary payment payable shall be the sum of each of those calculations.”.

#### **Rate of supplementary payment**

5. After regulation 12 (rate of payment of less favoured area support) insert:–

##### **“Rate of supplementary payment**

**12(a).**—(1) For the purposes of regulation 8(a), the rate of payment of less favoured area support shall be determined in accordance with this regulation.

(2) Where, for the purposes of regulation 9, the grazing category of land, as specified in schedule 5, is A or B, the rate of payment shall be the rate per hectare of the payable area set out in the entry in the second column in Part I (more disadvantaged land) of Schedule 7(a) corresponding to the fragility category in the first column of that Part of that Schedule applicable to the applicant in terms of paragraph (4).

(3) Where, for the purposes of regulation 9, the grazing category of land, as specified in Schedule 5, is C or D, the rate of payment shall be the rate per hectare of the Payable Area set out in the entry in the second column in Part II (less disadvantaged land) of Schedule 7(a) corresponding to the fragility category in the first column of that Part of that Schedule applicable to the applicant in terms of paragraph (4).

(4) For the purposes of paragraphs (2) and (3), the fragility category applicable to the applicant shall be determined according to the fragility category of the parish in which the main farm of the applicant lies as set out in Schedule 8 to these Regulations.

(5) For the purpose of paragraph (4), the main farm of the applicant shall be the farm identified as the main farm in the application for less favoured area support submitted by the applicant in accordance with regulation 3.”.

**Minimum supplementary payment**

6. After regulation 13 (minimum payment) insert:–

**“Minimum supplementary payment**

**13(a).** In respect of the supplementary payment, the amount paid by the Scottish Ministers under these Regulations shall be not less than £229.50.”.

**Rates of supplementary payment**

7. In Schedule 7 (rates of payment for less favoured area support), after Part II (less disadvantaged land) insert:–

**“SCHEDULE 7(a)**

Regulation 12(a)

**RATES OF SUPPLEMENTARY PAYMENT**

**PART I**

**MORE DISADVANTAGED LAND**

<i>FRAGILITY CATEGORY</i>	<i>RATE</i>
Very Fragile (Islands)	£30.82
Fragile (Mainland)	£29.51
Standard	£25.57

**PART II**

**LESS DISADVANTAGED LAND**

<i>CATEGORY</i>	<i>RATE</i>
Very Fragile (Islands)	£27.21
Fragile (Mainland)	£25.90
Standard	£21.97

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*ROSS FINNIE*

A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
14th December 2006

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Less Favoured Area Support Scheme (Scotland) Regulations 2005 (“the principal Regulations”). The amendments come into force on 22nd December 2006. These Regulations make provision for a supplementary payment to be made to applicants who have applied for and been paid a Scheme 2006 payment.

Regulation 2 of the principal Regulations is amended to include a definition of “supplementary payment” of less favoured area support (LFAS) to describe the criteria under which existing applicants who have already met the criteria in regulations 3 and 5 will qualify for the additional payment (regulation 3).

Regulations 8(a) and 12(a) are added to the principal Regulations to provide for the supplementary payment of LFAS being paid for eligible hectares on farms in Scottish less favoured areas at specified rates. These regulations are in terms similar to the existing regulations 8 and 12 of the principal Regulations (regulations 4 and 5).

Regulation 13(a) is added to the principal Regulations to fix a minimum supplementary payment of £229.50 (regulation 6).

Schedule 7 of the principal Regulations is amended to add a new Schedule 7(a) which provides new tables of figures for more disadvantaged land (Part I) and less disadvantaged land (Part II). The rates of payment to be used in the calculation of the supplementary payment set out in new regulation 8(a) are explained in new regulation 12(a) (regulation 7).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

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