

2007 No. 146

AGRICULTURE

**The Farm Woodland Premium Schemes and SFGS Farmland
Premium Scheme Amendment (Scotland) Scheme 2007**

Made - - - - - *27th February 2007*

Coming into force in accordance with paragraph 1(1)

The Scottish Ministers, in exercise of the powers conferred by section 2 of the Farm Land and Rural Development Act 1988(a) and all other powers enabling them in that behalf, hereby make the following Scheme, a draft of which has, in accordance with section 2(4) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

1.—(1) This Scheme may be cited as the Farm Woodland Premium Schemes and SFGS Farmland Premium Scheme Amendment (Scotland) Scheme 2007 and shall come into force on the day after the day on which it is made.

(2) This Scheme extends to Scotland only.

Interpretation

2. In this Scheme—

“the 1992 Scheme” means the Farm Woodland Premium Scheme 1992(b);

“the 1997 Scheme” means the Farm Woodland Premium Scheme 1997(c); and

“the 2003 Scheme” means the SFGS Farmland Premium Scheme 2003(d).

(a) 1988 c.16. The expression “the appropriate authority” upon whom the powers of section 2 are conferred is defined in section 2(6) and 1(5) of that Act and is to be read with the definition of the “appropriate Minister” in those sections. In relation to Scotland the definition of the “appropriate authority” was modified by section 1(6), which was inserted by the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820) (“the 1999 Order”), Schedule 2, paragraph 88(2). Section 2 was amended, in relation to Scotland, by section 3(2) of the Crofter Forestry (Scotland) Act 1991 (c.18) (section 3(2) was repealed by section 63(2) and Schedule 7, Part II of the Crofters (Scotland) Act 1993 (c.44), but the effect was saved by Schedule 6, paragraph 6 of that Act) and by the 1999 Order, Schedule 2, paragraph 88(3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and the requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.I. 1992/905, as amended by S.I. 1997/829 and S.S.I. 2003/209.

(c) S.I. 1997/829, as amended by S.S.I. 2000/290 and 2003/209.

(d) S.S.I. 2003/209.

Final date for receipt of applications under 2003 Scheme

3. After paragraph 4 of the 2003 Scheme, insert—

“Final date for receipt of applications

4A. The Scottish Ministers shall not approve an application under paragraph 3(1) unless that application is received by them or, as the case may be, on their behalf, prior to the coming into force of the Farm Woodland Premium Schemes and SFGS Farmland Premium Scheme Amendment (Scotland) Scheme 2007.”.

Amendment of the 1992, 1997 and 2003 Schemes

4.—(1) After the definition of—

- (a) “converted land” in paragraph 2(1) of the 1992 Scheme;
- (b) “Council Regulation 1257/1999” in paragraph 2(1) of the 1997 Scheme^(a); and
- (c) “Council Regulation 1257/99” in paragraph 2 of the 2003 Scheme,

insert—

““Council Regulation 1782/2003” means Council Regulation (EC) No. 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) No. 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001^(b).”.

(2) For the text of paragraph—

- (a) 9(2A) of the 1992 Scheme;
- (b) 9(3) of the 1997 Scheme; and
- (c) 9(3) of the 2003 Scheme,

substitute—

“Where an applicant, in the Single Payment Scheme application of that person submitted in a particular year, counts an area of converted land as set aside for the purposes of the set-aside requirement, any payment due under this Scheme in October of that year, or on such other date or dates in that year where the Scottish Ministers have so decided under paragraph 10(3)(b), in relation to that converted land, shall be reduced by the amount of the set-aside payment due in relation to that area of land under the Single Payment Scheme application.”.

(3) For the text of paragraph—

- (a) 9(2B) of the 1992 Scheme;
- (b) 9(4) of the 1997 Scheme; and
- (c) 9(4) of the 2003 Scheme,

substitute—

“For the purposes of this paragraph—

- (a) “Single Payment Scheme application” means the application for payment under the single payment scheme as provided for in Title III of Council Regulation 1782/2003;
- (b) “set-aside payment” means, in relation to an area of land which is converted land, the payment provided for in Article 54(1) of Council Regulation 1782/2003; and

(a) The definition of Council Regulation 1257/1999 was inserted by S.S.I. 2000/290, regulation 4(1)(a).

(b) O.J. No. L 270, 21.10.2003, p.1.

(c) “set-aside requirement” means the requirement to set aside land from production in Article 54(3) of Council Regulation 1782/2003.”.

(4) In paragraph 10(3)(a) of the 2003 Scheme, for “Grant” substitute “Grants”.

ROSS FINNIE

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
27th February 2007

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, made under section 2 of the Farm Land and Rural Development Act 1988, amends the Farm Woodland Premium Scheme 1992, the Farm Woodland Premium Scheme 1997 and the SFGS Farmland Premium Scheme 2003 (“the Schemes”).

The Schemes provide for the payment of annual grants to abate financial losses incurred in consequence of the conversion of agricultural land to use for woodlands.

In this Scheme—

- (a) paragraph 3 inserts a new paragraph 4A in the SFGS Farmland Premium Scheme 2003, providing that the Scottish Ministers shall not grant an application to enter that scheme unless the application is received by them, or on their behalf, prior to the coming into force of this Scheme;
- (b) paragraph 4(1) amends the Schemes to insert a definition of Council Regulation 1782/2003 of 29th September 2003 (O.J. No. L 270, 21.10.2003, p.1) and paragraph 4(2) and (3) implements changes required by the replacement of previous European Community direct payment schemes with the Single Payment Scheme under Council Regulation (EC) 1782/2003. Where applicants with land converted under the Schemes count any of that land towards their set-aside requirement under the Single Payment Scheme, the payment under the Schemes in the year of that Single Payment Scheme application will be reduced by the amount of the set-aside payment received in respect of any of that land under the Single Payment Scheme. This implements the rule, in Article 38 of Council Regulation (EC) 1257/1999 (O.J. No. L 160, 26.6.1999, p.80), which prohibits double funding of the same measure under different European Community provisions; and
- (c) paragraph 4(4) cures a typographical error in the SFGS Farmland Premium Scheme 2003.

A regulatory impact assessment has not been carried out as there is no impact on the costs to business.

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