

**2008 No. 184**

**AGRICULTURE**

**The Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2008**

<i>Made</i> - - - -	<i>13th May 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>14th May 2008</i>
<i>Coming into force</i> - -	<i>15th May 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2008 and come into force on 15th May 2008.

**Amendments**

2. The Regulations listed below are amended as follows—

- (a) the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005(b) are amended in accordance with Schedule 1;
- (b) the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005(c) are amended in accordance with Schedule 2;
- (c) the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004(d) are amended in accordance with Schedule 3; and

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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) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2005/143, as amended by S.S.I. 2005/257 and 2007/414.

(c) S.I. 2005/218.

(d) S.S.I. 2004/518, as amended by S.S.I. 2005/143 and 225, 2007/99 and 2008/100.

(d) the Agricultural Subsidies (Appeals) (Scotland) Regulations 2004<sup>(a)</sup> are amended in accordance with Schedule 4.

*MICHAEL RUSSELL*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
13th May 2008

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<sup>(a)</sup> S.S.I. 2004/381, as amended by S.S.I. 2005/117, 218 and 569, 2007/439 and 2008/58, 66 and 100.

## Amendment of the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005

### Amendment of regulation 2

#### 1. In regulation 2(1) (interpretation)–

- (a) in the definition of “Commission Regulation 795/2004”, omit the words from “Commission Regulation (EC) 1974/2004” to the end of the definition, and insert “Commission Regulations (EC) Nos. 1974/2004(a), 394/2005(b), 606/2005(c), 1085/2005(d), 1701/2005(e), 2183/2005(f), 658/2006(g), 1134/2006(h), 1291/2006(i), 2002/2006(j), 373/2007(k), 411/2007(l), 608/2007(m), 1522/2007(n) and 319/2008(o)”;
- (b) in the definition of “Commission Regulation 796/2004”, omit “Commission Regulation (EC) No. 239/2005” and insert “Commission Regulations (EC) Nos. 239/2005(p), 436/2005(q), 1954/2005(r), 2184/2005(s), 263/2006(t), 489/2006(u), 659/2006(v), 2025/2006(w), 381/2007(x), 972/2007(y), 1550/2007(z) and 319/2008”;
- (c) in the definition of “Council Regulation 1782/2003” omit the words from “Council Regulation (EC) No. 21/2004” to the end of the definition, and insert “Commission

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- (a) O.J. No. L 345, 20.11.2004, p.85.
  - (b) O.J. No. L 63, 10.3.2005, p.17.
  - (c) O.J. No. L 100, 20.4.2005, p.15.
  - (d) O.J. No. L 177, 9.7.2005, p.27.
  - (e) O.J. No. L 273, 19.10.2005, p.6.
  - (f) O.J. No. L 347, 30.12.2005, p.56.
  - (g) O.J. No. L 116, 29.4.2006, p.14.
  - (h) O.J. No. L 203, 26.7.2006, p.4.
  - (i) O.J. No. L 236, 31.8.2006, p.20.
  - (j) O.J. No. L 379, 28.12.2006, p.47.
  - (k) O.J. No. L 92, 3.4.2007, p.13.
  - (l) O.J. No. L 101, 18.4.2007, p.3.
  - (m) O.J. No. L 141, 2.6.2007, p.31.
  - (n) O.J. No. L 335, 20.12.2007, p.27.
  - (o) O.J. No. L 95, 8.4.2008, p.63.
  - (p) O.J. No. L 42, 12.2.2005, p.3.
  - (q) O.J. No. L 72, 18.3.2005, p.4.
  - (r) O.J. No. L 314, 30.11.2005, p.10.
  - (s) O.J. No. L 347, 30.12.2005, p.61.
  - (t) O.J. No. L 46, 16.2.2006, p.24.
  - (u) O.J. No. L 99, 25.3.2006, p.7.
  - (v) O.J. No. L 116, 29.4.2006, p.20.
  - (w) O.J. No. L 384, 29.12.2006, p.81.
  - (x) O.J. No. L 95, 5.4.2007, p.8.
  - (y) O.J. No. L 216, 21.8.2007, p.3.
  - (z) O.J. No. L 337, 21.12.2007, p.79.

Regulations (EC) Nos. 118/2005(a), 2183/2005(b), 1156/2006(c), 552/2007(d) and 1276/2007(e) and Council Regulations (EC) Nos. 21/2004(f), 583/2004(g), 864/2004(h), 247/2006(i), 319/2006(j), 953/2006(k), 1405/2006(l), 2011/2006(m), 2012/2006(n), 2013/2006(o), 1182/2007(p) and 146/2008(q);

- (d) after the definition of “Commission Regulation 1973/2004” insert ““Commission Regulation 319/2008” means Commission Regulation (EC) No. 319/2008 amending Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003;”; and
- (e) after the definition of “Council Regulation 1251/1999” insert ““Council Regulation 146/2008” means Council Regulation (EC) No. 146/2008 amending Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);”.

## Amendment of regulation 6

2. Omit regulation 6 (10 month period), and insert–

### “Date eligible land must be at farmer’s disposal

6. For the purposes of Article 44(3) of Council Regulation 1782/2003 (declaration of parcels corresponding to the eligible hectare accompanying any payment entitlement), parcels must be at the farmer’s disposal on 15th May in the year of the aid application.”.

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- (a) O.J. No. L 24, 27.1.2005, p.15.  
(b) O.J. No. L 347, 30.12.2005, p.56.  
(c) O.J. No. L 208, 29.7.2006, p.3.  
(d) O.J. No. L 131, 23.5.2007, p. 10.  
(e) O.J. No. L 284, 30.10.2007, p.11.  
(f) O.J. No. L 5, 9.1.2004, p.8.  
(g) O.J. No. L 91, 30.3.2004, p.1.  
(h) O.J. No. L 206, 9.6.2004, p.20.  
(i) O.J. No. L 42, 14.2.2006, p.1.  
(j) O.J. No. L 58, 28.2.2006, p.32.  
(k) O.J. No. L 175, 29.6.2006, p.1.  
(l) O.J. No. L 265, 26.9.2006, p.1.  
(m) O.J. No. L 384, 29.12.2006, p.1.  
(n) O.J. No. L 384, 29.12.2006, p.8.  
(o) O.J. No. L 384, 29.12.2006, p.13.  
(p) O.J. No. L 273, 17.10.2007, p.1.  
(q) O.J. No. L 46, 21.2.2008, p.1.

**Amendment of the Common Agricultural Policy Single Payment and  
Support Schemes (Integrated Administration and Control System)  
Regulations 2005**

**Amendment of regulation 2**

**1. In regulation 2(1)(interpretation)–**

- (a) in the definition of “Commission Regulation 796/2004”, after “farmers”, insert “, as amended by Commission Regulations (EC) No. 239/2005(a), 436/2005, 1954/2005, 2184/2005, 263/2006, 489/2006, 659/2006, 2025/2006, 381/2007, 972/2007, 1550/2007 and 319/2008”;
- (b) in the definition of “Council Regulation”, after “farmers”, insert “, as amended by Commission Regulations (EC) Nos. 118/2005, 2183/2005, 1156/2006, 552/2007 and 1276/2007 and Council Regulations (EC) Nos. 21/2004, 583/2004, 864/2004, 247/2006, 319/2006, 953/2006, 1405/2006, 2011/2006, 2012/2006, 2013/2006, 1182/2007 and 146/2008;”;
- (c) after the definition of “Commission Regulation 1973/2004”, insert ““Commission Regulation 319/2008” means Commission Regulation (EC) No. 319/2008 amending Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003;” and
- (d) after the definition of “Council Regulation 1251/1999”, insert ““Council Regulation 146/2008” means Council Regulation (EC) No. 146/2008 amending Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);”.

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(a) O.J. No. L 42, 12.2.2005, p.3.

**Amendment of the Common Agricultural Policy Schemes  
(Cross-Compliance) (Scotland) Regulations 2004**

**Amendment of regulation 2**

**1. In regulation 2(1) (interpretation)–**

- (a) in the definition of “the Commission Regulation”, after “the Council Regulation”, insert “, as amended by Commission Regulations (EC) Nos. 239/2005, 319/2008, 436/2005, 1954/2005, 2184/2005, 263/2006, 489/2006, 659/2006, 2025/2006, 381/2007, 972/2007, 1550/2007 and 319/2008”;
- (b) after the definition of “the Commission Regulation”, insert–

““Commission Regulation 319/2008” means Commission Regulation (EC) No. 319/2008 amending Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003;”;
- (c) in the definition of “the Council Regulation”, omit the words from “Council Regulation (EC) No. 21/2004” to the end of the definition, and insert “Commission Regulations (EC) Nos. 118/2005, 2183/2005, 1156/2006, 552/2007 and 1276/2007 and Council Regulations (EC) Nos. 21/2004, 583/2004, 864/2004, 247/2006, 319/2006, 953/2006, 1405/2006, 2011/2006, 2012/2006, 2013/2006, 1182/2007 and 146/2008”; and
- (d) after the definition of “the Council Regulation”, insert–

““Council Regulation 146/2008” means Council Regulation (EC) No. 146/2008 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);”.

**Amendment of the Agricultural Subsidies (Appeals) (Scotland)  
Regulations 2004**

**Amendment of regulation 2****2. In regulation 2(1) (interpretation)–**

- (a) in the definition of “Commission Regulation 795/2004”, omit “Commission Regulation (EC) No. 1974/2004” and insert “Commission Regulations (EC) Nos. 1974/2004, 394/2005, 606/2005, 1085/2005, 1701/2005, 2183/2005, 658/2006, 1134/2006, 1291/2006, 2002/2006, 373/2007, 411/2007, 608/2007, 1522/2007 and 319/2008”;
- (b) in the definition of “Commission Regulation 796/2004”, omit “Commission Regulation (EC) No. 239/2005” and insert “, as amended by Commission Regulations (EC) No. 239/2005(a), 436/2005, 1954/2005, 2184/2005, 263/2006, 489/2006, 659/2006, 2025/2006, 381/2007, 972/2007, 1550/2007 and 319/2008”;
- (c) after the definition of “Commission Regulation 796/2004”, insert–

““Commission Regulation 319/2008” means Commission Regulation (EC) No. 319/2008 amending Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003;”;
- (d) in the definition of “Council Regulation 1782/2003”, omit the words from “Council Regulation (EC) No. 21/2004” to the end of the definition, and insert “Commission Regulations (EC) Nos. 118/2005, 2183/2005, 1156/2006, 552/2007 and 1276/2007 and Council Regulations (EC) Nos. 21/2004, 583/2004, 864/2004, 247/2006, 319/2006, 953/2006, 1405/2006, 2011/2006, 2012/2006, 2013/2006, 1182/2007 and 146/2008”; and
- (e) after the definition of “Council Regulation 1782/2003”, insert–

““Council Regulation 146/2008” means Council Regulation (EC) No. 146/2008 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);”.

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(a) O.J. No. L 42, 12.2.2005, p.3.

## EXPLANATORY NOTE

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

These Regulations implement Council Regulation (EC) No. 146/2008 which, among other things, amends Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy. They also implement Commission Regulation (EC) No. 319/2008, which amends Commission Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003, and Commission Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003.

These Regulations amend the following regulations (together, “the principal Regulations”)–

- the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005;
- the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005;
- the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004; and
- the Agricultural Subsidies (Appeals) (Scotland) Regulations 2004.

Both Council Regulation (EC) No. 146/2008 and Commission Regulation (EC) No. 319/2008 are directly applicable, so the amendments made to the principal Regulations by these Regulations are mainly technical changes to update the European legislative references in the interpretation sections of the principal Regulations.

The only substantive amendment made by these Regulations is in paragraph 2 of Schedule 1 to the Regulations, which amends regulation 6 of the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005 to fix the date of 15th May as the single date in the calendar year on which farmers must have land at their disposal to claim Single Farm Payment for that year.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**£3.00**

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