

**2008 No. 294**

**AGRICULTURE**

**The Less Favoured Area Support Scheme (Scotland)  
Amendment Regulations 2008**

*Made* - - - - *3rd September 2008*

*Laid before the Scottish Parliament* *4th September 2008*

*Coming into force* - - *26th September 2008*

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 Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2008 and come into force on 26th September 2008.

**Amendment of the Less Favoured Area Support Scheme (Scotland) Regulations 2007**

2. The Less Favoured Area Support Scheme (Scotland) Regulations 2007(b) are amended in accordance with regulations 3 to 5.

**Amendment of regulation 2**

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

- (a) for the definition “Scheme 2008 payment” substitute ““Scheme 2008 payment” means the sum to which the applicant is entitled in respect of the period from 1st January 2008 to 31st December 2008;”; and
- (b) for the definition “Scheme 2009 payment” substitute ““Scheme 2009 payment” means the sum to which the applicant is entitled in respect of the period from 1st January 2009 to 31st December 2009;”.

**Amendment of regulation 6**

4. In regulation 6(1) (eligible land) omit “in accordance with article 11 of Council Regulation 796/2007”.

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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 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. 2007/439.

## **New regulation 16A**

5. After regulation 16 (withholding or recovery of less favoured area support), insert—

### **“Guidance**

**16A.**—(1) The Scottish Ministers may publish guidance from time to time on—

- (a) the circumstances in which they will normally withhold or recover any sums under regulation 16, and the amount which any sums withheld will normally be; and
- (b) generally, how they intend to perform their functions under these Regulations.

(2) The Scottish Ministers must have regard to any guidance published under paragraph (1) when performing their functions under these Regulations.”.

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

6.—(1) The Agricultural Subsidies (Appeals) (Scotland) Regulations 2004(a) are amended in accordance with this regulation.

(2) In regulation 4 (decisions amenable to review and appeal), in paragraph (g) omit “and 11(4)” and substitute “, 11(4), 16 and 16A”.

St Andrew’s House,  
Edinburgh  
3rd September 2008

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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(a) S.S.I. 2004/381, amended by S.S.I. 2005/117, 225 and 569, S.S.I. 2007/439, S.S.I. 2008/58, 66, 100 and 159.

## **EXPLANATORY NOTE**

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

These Regulations amend the Less Favoured Area Support Scheme (Scotland) Regulations 2007 (“the principal Regulations”).

These Regulations correct the dates in regulation 2 of the principal Regulations relating to the Scheme 2008 and Scheme 2009 payments (regulation 3) and remove text which is already subject to a defined term (regulation 4).

They also insert a new regulation 16A into the principal regulations in respect of guidance which the Scottish Ministers may issue for the principal regulations (regulation 5).

Regulation 6 makes a consequential amendment to the Agricultural Subsidies (Appeals) (Scotland) Regulations 2004.

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

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