
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 391

**The Common Agricultural Policy (Single Farm
Payment and Support Schemes and Cross-
Compliance) (Scotland) Amendment Regulations 2009**

PART 3

**AMENDMENTS TO THE COMMON AGRICULTURAL POLICY
SCHEMES (CROSS COMPLIANCE) (SCOTLAND) REGULATIONS 2004**

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

15. The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004(1) are amended in accordance with regulations 16 to 18.

Amendment to regulation 2

16. In regulation 2(1) (interpretation)—

- (a) in the definition “the Commission Regulation”, for “and 319/2008(2);” and substitute “ Commission Regulation (EC) Nos. 319/2008, 1124/2008(3), 1266/2008(4), and 380/2009(5);”
- (b) in the definition “the Council Regulation,” for “and 146/2008(6)” substitute “Council Regulation (EC) Nos. 146/2008(7), 470/2008(8), 479/2008(9), 615/2008(10), 637/2008(11), 1009/2008(12) and Commission Regulations (EC) Nos. 293/2008(13) and 674/2008(14)”;
- (c) insert the following definitions in the appropriate place—

““Council Regulation 73/2009” means [Commission Regulation \(EC\) No. 73/2009](#) establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers,

(1) [S.S.I. 2004/518](#) amended by [S.S.I. 2005/143](#) and [225, 2007/99, 2008/100](#) and [184](#).
(2) Inserted by [S.S.I. 2008/184](#).
(3) O.J. No. L 303, 14.11.2008, p.7.
(4) O.J. No. L 338, 17.12.2008, p.34.
(5) O.J. No. L 116, 9.05.2009, p.9.
(6) Inserted by [S.S.I. 2008/184](#).
(7) O.J. No. L 46, 21.02.2008, p.1.
(8) O.J. No. L 140, 30.05.2008, p.1.
(9) O.J. No. L 148, 6.06.2008, p.1.
(10) O.J. No. L 168, 28.06.2008, p.1.
(11) O.J. No. L 178, 5.07.2008, p.1.
(12) O.J. No. L 276, 17.10.2008, p.1.
(13) O.J. No. L 90, 2.04.2008, p.5.
(14) O.J. No. L 189, 17.07.2008, p.5.

and amending Council Regulations (EC) Nos. 1290/2005⁽¹⁵⁾, 247/2006⁽¹⁶⁾, 378/2007⁽¹⁷⁾ and repealing Council Regulation (EC) No. 1782/2003⁽¹⁸⁾;

““Abstraction” has the meaning given to it in section 20(6) of the Water Environment and Water Services (Scotland) Act 2003⁽¹⁸⁾ as amended by the Water Environment (Controlled Activities) (Scotland) Regulations 2005⁽¹⁹⁾”.

Amendment to the Schedule

17. In the Schedule (good agricultural and environment condition), in Part IV (minimum level of maintenance and prevention of deterioration of habitats, minimum livestock stocking rates and/or appropriate regimes) in paragraph 18(2) after “apply” insert—

“to land managed under an agri-environmental scheme funded under the Scotland Rural Development Programme 2007 to 2013”.

Insertion of new paragraph 19

18. After paragraph 18 insert—

“PART V

Protection and Management of Water: Protect water against pollution and run-off, and manage the use of water

19. For the purposes of Article 6 and Annex III of Council Regulation 73/2009, with effect from 1st January 2010, a farmer abstracting water for irrigation must comply with the authorisation procedures set out in Part II of the Water Environment (Controlled Activities) (Scotland) Regulations 2005.”.

⁽¹⁵⁾ O.J. No. L 209, 11.08.2005, p.1.

⁽¹⁶⁾ O.J. No. L 42, 14.02.2006, p.1.

⁽¹⁷⁾ O.J. No. L 95, 5.04.2007, p.1.

⁽¹⁸⁾ 2003 asp 3.

⁽¹⁹⁾ S.S.I. 2005/348.