

**2009 No. 412**

**AGRICULTURE**

**The Less Favoured Area Support Scheme (Scotland)  
Amendment Regulations 2009**

*Made* - - - - - *24th November 2009*  
*Laid before the Scottish Parliament* *25th November 2009*  
*Coming into force* - - - *18th December 2009*

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 2009 and come into force on 18th December 2009.

**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 6.

**Amendment of regulation 2**

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

- (a) at the appropriate place, insert ““Council Regulation 73/2009” means Council Regulation (EC) 73/2009(c) establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No. 1290/2005, (EC) No. 247/2006, (EC) No. 378/2007 and repealing Regulation (EC) No. 1782/2003”;
- (b) for the definition “cross compliance” substitute ““cross compliance” has, for Scheme Year 2007/2008, the same meaning as it has for the purposes of Articles 4 and 5 and annexes III and IV of Council Regulation 1782/2003 and for Scheme Year 2009 the same meaning as it has for the purposes of Articles 5 and 6 and Annexes II and III of Council Regulation 73/2009”;

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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 amended by S.S.I. 2008/294.

(c) O.J. No. L 30, 31.1.09, p.16.

- (c) for the definition “forage area” substitute ““forage area” means the area of the holding available to the applicant throughout the Scheme Year for rearing livestock including areas in shared use and areas subject to mixed cultivation but not including buildings, woods, ponds and paths;”; and
- (d) for the definition “holding” substitute ““holding” has, for Scheme Year 2007/2008 the same meaning as it has in Article 2(b) of Council Regulation 1782/2003 and for Scheme Year 2009 the same meaning as it has for the purposes of Article 2(b) of Council Regulation 73/2009;”.

**Amendment of regulation 12**

4. In regulation 12 (rate of payment of less favoured area support) omit “second column” where this occurs in paragraphs (2) and (3) and in each case substitute “second or third columns”.

**Amendment of Schedule 1**

5. In Schedule 1 (land use codes eligible for less favoured area support scheme) –
- (a) under the heading “crops”, for “Other crops for stock feed” substitute “Other crops for stock feed (excluding kale, cabbages and fodder beet)”;
  - (b) under the heading “crops”, at the appropriate place, insert “Fodder beet” and as the corresponding entry in the column headed “code” insert “OCS-B”;
  - (c) under the heading “crops”, at the appropriate place insert “Kale and cabbage for stock feed” and as the corresponding entry in the column headed “code” insert “OCS-K”.

**Substitution of Schedule 3**

6. For Schedule 3 substitute—

“**SCHEDULE 3**

Regulation 12

**PART I**

**MORE DISADVANTAGED LAND**

<i>FRAGILITY CATEGORY</i>	<i>RATE</i>	<i>RATE</i>
	<i>Scheme 2007 payment and Scheme 2008 payment</i>	<i>Scheme 2009 payment</i>
Very Fragile (Islands)	£51.70	£61.52
Fragile (Mainland)	£45.00	£53.55
Standard	£37.80	£37.80

PART II  
LESS DISADVANTAGED LAND

<i>FRAGILITY CATEGORY</i>	<i>RATE</i>	<i>RATE</i>
	<i>Scheme 2007 payment and Scheme 2008 payment</i>	<i>Scheme 2009 payment</i>
Very Fragile (Islands)	£45.65	£54.32
Fragile (Mainland)	£39.50	£47.01
Standard	£32.50	£32.50

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St Andrew's House,  
Edinburgh  
24th November 2009

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A member of the Scottish Executive

## **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 amend the principal Regulations by inserting a new definition for Council Regulation (EC) 73/2009 which repealed Council Regulation (EC) 1782/2003 and makes relevant amendments in other definitions for the applicable Scheme Years (regulation 3).

Regulation 5 makes changes to land use codes and regulation 6 makes changes in increase payment rates.

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

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