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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 273**

**The Less Favoured Area Support  
Scheme (Scotland) Regulations 2010**

**PART III**

**CALCULATION OF LESS FAVOURED AREA SUPPORT**

**Enterprise mix**

**10.**—(1) [<sup>F1</sup>Subject to paragraphs (2), (3), (4) and (5)], where at least 10% of the livestock units of the applicant, calculated in accordance with regulation 9(4) and Part I of Schedule 4, are cattle, the unadjusted payable area calculated in accordance with regulation 8 is to be adjusted in accordance with this regulation and the following formula—

$$P1 = P2 \times Z$$

Where—

*P1* is the payable area;

*P2* is the unadjusted payable area calculated in accordance with regulation 8; and

*Z* is the hectare multiplier contained in the second column of Schedule 8 corresponding to the proportion of livestock units (calculated in accordance with regulation 9(4) and Part I of Schedule 4) which are cattle contained in the first column of Schedule 8.

(2) Where the number of sheep used to calculate livestock units for the purposes of regulation 9(4) and Part I of Schedule 4 is lower than—

- (a) the number of sheep used to calculate livestock units for the purposes of the Scheme 2006 payment; or
- (b) where an applicant did not receive a Scheme 2006 payment, the number of sheep used to calculate livestock units for the purposes of the Scheme 2005 payment,

and the hectare multiplier contained in the second column of Schedule 8, corresponding to the proportion of livestock units (calculated in accordance with regulation 9(4) and Part I of Schedule 4) which are cattle contained in the first column of Schedule 8, is higher than the hectare multiplier established for the purposes of the Scheme 2006 payment or, the Scheme 2005 payment as appropriate, then that hectare multiplier can only apply for the [<sup>F2</sup>purpose of determining a Scheme payment in the period from 2010 to 2024] if the number of cattle used to calculate livestock units for the purposes of regulation 9(4) and Part I of Schedule 4 is greater than the number of cattle used to calculate livestock units for the purposes of the Scheme 2006 payment or the Scheme 2005 payment as appropriate.

[<sup>F3</sup>(3) Where the hectare multiplier contained in the second column of Schedule 8 to be used for the purposes of the formula in paragraph (1) is, in the opinion of the applicant, unrepresentative of the usual enterprise mix of the applicant, as a result of force majeure or exceptional circumstances, the applicant may request that the Scottish Ministers determine that either of the hectare multipliers

contained in the second column of Schedule 8 be used for the purposes of the formula in paragraph (1).

(4) Where less than 10% of the livestock units of the applicant calculated in accordance with regulation 9(4) and Parts I and II of Schedule 4 are cattle but that is, in the opinion of the applicant, the result of force majeure or exceptional circumstances, the applicant may request that the Scottish Ministers treat the application as if paragraph (1) applied.]

(5) Following a request made under paragraph (4), the Scottish Ministers may—

- (a) treat the application as if paragraph (1) applied; and
- (b) determine that either of the hectare multipliers contained in the second column of Schedule 8 be used for the purposes of the formula in paragraph (1).

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**Textual Amendments**

- F1** Words in [reg. 10\(1\)](#) substituted (14.3.2011) by [The Less Favoured Area Support Scheme \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/73\)](#), regs. 1, **7(a)**
- F2** Words in [reg. 10\(2\)](#) substituted (1.1.2021) by [The Common Agricultural Policy \(Less Favoured Area Support\) \(EU Exit\) \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/456\)](#), regs. 1(2), **3(3)**
- F3** [Reg. 10\(3\)\(4\)](#) substituted (9.6.2015) by [The Less Favoured Area Support Scheme \(Scotland\) Amendment Regulations 2015 \(S.S.I. 2015/185\)](#), regs. 1, **10(b)**

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**Commencement Information**

- I1** Reg. 10 in force at 2.7.2010, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Less Favoured Area Support Scheme (Scotland) Regulations 2010, Section 10.