

2012 No. 307

AGRICULTURE

**The Rural Development Contracts (Rural Priorities) (Scotland)
Amendment Regulations 2012**

Made - - - - - *15th November 2012*

Laid before the Scottish Parliament *16th November 2012*

Coming into force - - - *1st January 2013*

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 Rural Development Contracts (Rural Priorities) (Scotland) Amendment Regulations 2012 and come into force on 1st January 2013.

Amendment to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008

2. Part 1 (option, activities and eligibility conditions and rates of payment) of Schedule 2 (rural priorities options) to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(b) is amended in accordance with regulations 3 and 4.

Amendment to option 75 (erosion control)

3. In option 75(c) (erosion control), in column 2 omit paragraph (3).

Amendment to option 80 (open grazed grassland management for chough)

4. In option 80(d) (open grazed grassland management for chough), in column 2—

- (a) in paragraph (2)(i) for “treats livestock” substitute “ensures that livestock must only be treated”;
- (b) in paragraph (2)(j) for “20th June” substitute “30th June” and at the end of that sub-paragraph omit “and”; and

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2008/100; relevant amendments are S.S.I. 2008/233, 2010/87 and 2011/106.

(c) Option 75 was inserted by S.S.I. 2008/233 and amended by S.S.I. 2010/87 and 2011/106.

(d) Option 80 was inserted by S.S.I. 2011/106.

(c) in paragraph (2)(k) after “species” insert—

“; and

- (l) cuts hay and silage, in accordance with any applicable programme guidance, in a manner which minimises the risk of injury to ground nesting birds”.

St Andrew’s House,
Edinburgh
15th November 2012

PAUL WHEELHOUSE
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 (“the 2008 Regulations”), which introduce measures to supplement Council Regulation (EC) No 1698/2005 (OJ L 277, 21.10.2005, p.1), as amended, (“the Council Regulation”) laying down general rules governing Community support for rural development (financed by the European Agricultural Fund for Rural Development established by Council Regulation (EC) No 1290/2005 (OJ L 209, 11.8.2005, p.1)) and Commission Regulations (EC) No 1974/2006 (OJ L 368, 23.12.2006, p.15) and 65/2011 (OJ L 25, 28.1.2011, p.8) laying down detailed rules for the application of the Council Regulation.

Regulation 3 of these Regulations amends option 75 (erosion control) in Part 1 of Schedule 2 to the 2008 Regulations to remove the condition that a beneficiary may make a maximum of one claim in any one year and a maximum of 5 claims during the period of their contract.

Regulation 4 of these Regulations amends option 80 (open grazed grassland management for chough) in Part 1 of Schedule 2 to the 2008 Regulations to—

- clarify that livestock must only be treated with non-Avermectin based drugs unless advised by a veterinary surgeon and with the prior agreement from the Scottish Ministers;
- change the latest date for cutting silage to 30th June; and
- add a new condition requiring that hay and silage be cut in a wildlife friendly manner.

No Business or Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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