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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 9**

**AGRICULTURE**

**The Less Favoured Area Support Scheme  
(Scotland) Amendment Regulations 2013**

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| <i>Made</i>                                    | - - - - | <i>16th January 2013</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>18th January 2013</i> |
| <i>Coming into force</i>                       | - -     | <i>1st March 2013</i>    |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) 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 2013 and come into force on 1st March 2013.

**Amendment of the Less Favoured Area Support Scheme (Scotland) Regulations 2010**

2. The Less Favoured Area Support Scheme (Scotland) Regulations 2010(2) are amended in accordance with regulations 3 to 6.

3. In regulation 2(1) (interpretation) omit the definition of “actively farm”.

4. For regulation 4 (payment of less favoured area support) substitute—

**“Payment of less favoured area support**

4. The Scottish Ministers may, in respect of a Scheme Year, pay less favoured area support to an applicant who in their opinion actively farms eligible land—

(a) which is not less than 3 hectares; and

(b) for a period or periods totalling not less than 183 days during the Scheme Year.”

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(1) 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), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2010/273, amended by S.S.I. 2011/73 and 2012/24.

5. In regulation 15 (withholding or recovery of less favoured area support), for paragraph (d) substitute—

“(d) where, in the opinion of the Scottish Ministers, the applicant has not actively farmed eligible land in accordance with regulation 4.”.

6. In Schedule 7 (agency arrangements and cross border holdings)—

(a) in paragraph 5, after “actively farming eligible land” insert “in accordance with regulation 4”;

(b) in paragraph 6, after “eligible land” where it first occurs insert “in accordance with regulation 4”; and

(c) in paragraph 8, after “assess” insert “in accordance with regulation 4”.

St Andrew’s House,  
Edinburgh  
16th January 2013

*RICHARD LOCHHEAD*  
A member of the Scottish Government

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## EXPLANATORY NOTE

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

These Regulations amend the Less Favoured Area Support Scheme (Scotland) Regulations 2010 (“the 2010 Regulations”). The 2010 Regulations make provision for the purposes of the implementation of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p.1), Commission Regulation (EC) No 1974/2006 (OJ L 368, 23.12.2006, p.15) and Commission Regulation (EU) No 65/2011 (OJ L 25, 28.1.2011, p.8). The latter two Regulations lay down detailed rules for the application of Council Regulation 1698/2005.

Regulation 3 amends regulation 2(1) of the 2010 Regulations to omit the definition of “actively farm”.

Regulation 4 substitutes a new regulation 4 of the 2010 Regulations, to empower the Scottish Ministers to pay less favoured area support to an applicant who, in their opinion, actively farms eligible land which is not less than 3 hectares and for a period or periods of not less than 183 days during a Scheme Year.

Regulations 5 and 6 amend regulation 15 and Schedule 7 respectively of the 2010 Regulations in consequence of the amendment made by regulation 4 of these Regulations.

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