
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 (EC) No 1698/2005.

Although Council Regulation (EC) No 1698/2005 was repealed on 1st January 2014 by article 88 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 347, 20.12.2013, p.487), that is subject to transitional arrangements as provided for in articles 1 and 3 of Regulation (EU) No 1310/2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (OJ L 347, 20.12.2013, p.865).

Regulation 3 amends regulation 2(1) of the 2010 Regulations to insert a definition of “Scheme 2014 payment” (for the purpose of the amendments made by regulations 5 and 6 of these Regulations).

Regulation 4(b) inserts a new regulation 3(1A) into the 2010 Regulations so that the requirement for an applicant to give an undertaking to continue to use the eligible land for a period of not less than five years does not apply in respect of an applicant for the Scheme Year which commenced on 1st January 2014.

Regulation 4(a) makes a consequential amendment to regulation 3(1) of the 2010 Regulations.

Regulation 7 inserts a reference to the new regulation 3(1A) of the 2010 Regulations into paragraph 13A of the Schedule to the Rural Payments (Appeals) (Scotland) Regulations 2009. This is to provide for a right of appeal against a decision of the Scottish Ministers that the applicant for a Scheme 2014 payment has not met the requirements of cross compliance throughout the Scheme Year commencing on 1st January 2014.

A business and regulatory impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.