

2014 No. 7

AGRICULTURE

**The Less Favoured Area Support Scheme (Scotland)
Amendment Regulations 2014**

Made - - - - *9th January 2014*

Laid before the Scottish Parliament *13th January 2014*

Coming into force - - *1st March 2014*

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 2014 and come into force on 1st March 2014.

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

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

3. In regulation 2(1) (interpretation), after the definition of “Scheme 2013 payment” insert—
““Scheme 2014 payment” means the sum to which the applicant is entitled in respect of the period 1st January 2014 to 31st December 2014;”.

4. In regulation 3 (eligibility for payment of less favoured area support)—
(a) in paragraph (1), after “Scheme Year” insert “, other than the Scheme Year commencing on 1st January 2014,”; and
(b) after paragraph (1) insert—
“(1A) Payment of less favoured area support may be made to an applicant in respect of the Scheme Year commencing on 1st January 2014 only if that applicant has, in the opinion of the Scottish Ministers, met the requirements of cross compliance on the applicant’s holding throughout that Scheme Year.”.

5. In regulation 10(2) (enterprise mix) for “or the Scheme 2013 payment” substitute “, the Scheme 2013 payment or the Scheme 2014 payment”.

(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), 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.
(b) S.S.I. 2010/273, amended by S.S.I. 2011/73, S.S.I. 2012/24 and S.S.I. 2013/9.

6. In Schedule 5 (rates of payment for less favoured area support)—

- (a) in Part I (more disadvantaged land), in the second column of the table, after “Scheme 2013 payment”, insert “, Scheme 2014 payment”; and
- (b) in Part II (less disadvantaged land), in the second column of the table, after “Scheme 2013 payment”, insert “, Scheme 2014 payment”.

Amendment of the Rural Payments (Appeals) (Scotland) Regulations 2009

7. In the Rural Payments (Appeals) (Scotland) Regulations 2009(a), in the Schedule (relevant decisions), in paragraph 13A after “3(1)(b),” insert “3(1A),”.

RICHARD LOCHHEAD
A member of the Scottish Government

St Andrew’s House,
Edinburgh
9th January 2014

(a) S.S.I. 2009/376, as amended by S.S.I. 2010/273, S.S.I. 2011/415 and S.S.I. 2012/143.

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.

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