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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 257**

**AGRICULTURE**

**The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2005**

<i>Made</i>	- - - -	<i>12th May 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>13th May 2005</i>
<i>Coming into force</i>	- -	<i>16th May 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2005 and shall come into force on 16th May 2005.

**Amendment of the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005**

2.—(1) The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005<sup>(2)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of “farmer”;

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. For the purposes of implementing Council Regulation (EC) No. 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers (O.J. No. L 270, 21.20.2003, p.1) that competence was modified by the Scotland Act 1998 (Modification of Functions) Order 2004 (S.I.2004/2980) and the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 2004 (S.I. 2004/3324).

(2) S.S.I. 2005/143.

- (ii) at the end of the definition of “Commission Regulation 795/2004” insert “, Commission Regulation (EC) No 394/2005<sup>(3)</sup> and Commission Regulation (EC) No. 606/2005<sup>(4)</sup>; and
  - (iii) in the definition of “Council Regulation 1782/2003”, for “and Council Regulation 864/2004” substitute “, Council Regulation 864/2004 and Commission Regulation (EC) No. 118/2005<sup>(5)</sup>”; and
- (b) omit regulation 2(5).
- (3) For regulation 6 (10 month period) substitute—

**“10 month period**

**6.—(1)** For the purposes of Article 24(2), first subparagraph, of Commission Regulation 795/2004, the period in which the beginning of the 10 month period referred to in Article 44(3) of Council Regulation 1782/2003 shall be fixed, shall be the period beginning on 1st October of the calendar year preceding the year of lodging an application under the single farm payment scheme and ending on 30th April of the year of application.

(2) For the purposes of Article 24(2), second subparagraph, of Commission Regulation 795/2004, farmers are authorised to fix two different dates for the beginning of the 10 month period.”.

(4) In column 1 of Schedule 5 (revocations), for “Extensification Payment (Scotland) Regulations 2001” substitute “Extensification Payment (Scotland) Regulations 2002”.

St Andrew’s House, Edinburgh  
12th May 2005

*ROSS FINNIE*  
A member of the Scottish Executive

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(3) O.J. No. L 63, 10.3.2005, p.17.  
(4) O.J. No. L 100, 20.4.2005, p.15.  
(5) O.J. No. L 24, 27.1.2005, p.15.

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## EXPLANATORY NOTE

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

These Regulations amend the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005 (“the principal Regulations”).

They update references to Community instruments in the principal Regulations to refer to Commission Regulations [\(EC\) No. 394/2005](#) (O.J. No. L 63, 10.3.2005, p.17), [\(EC\) No. 118/2005](#) (O.J. No. L 24, 27.1.2005, p.15) and [\(EC\) No. 606/2005](#) (O.J. No. L 100, 20.4.2005, p.15) (“Regulation 606/2005”) (regulation 2(2)(a)(ii) and (iii)).

They amend regulation 6 of the principal Regulations to authorise farmers to make use of the possibility introduced by Regulation 606/2005 to fix two different dates for the beginning of the 10 month period for which parcels of eligible land have to be at the farmer’s disposal to qualify for the Single Farm Payment Scheme (regulation 2(3)).

The Regulations also correct minor errors in the definitions and revocations in the principal Regulations (regulation 2(2)(a)(i) and (b) and (4)).

A full Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the cost of business.