
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 99

AGRICULTURE

The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Amendment Regulations 2007

Made - - - - 19th February 2007
Laid before the Scottish Parliament - - - - 21st February 2007
Coming into force - - 19th March 2007

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ 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 Schemes (Cross-Compliance) (Scotland) Amendment Regulations 2007 and shall come into force on 19th March 2007.

Amendment of the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004

2. The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004⁽²⁾ are amended in accordance with regulations 3 to 6.

Amendment to regulation 2

3. In regulation 2 (interpretation)–

(a) after the definition of “the Council Regulation” insert–

“the EIA Agriculture Regulations” means the Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006⁽³⁾;” and

(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.
(2) S.S.I. 2004/518 as amended by S.S.I. 2005/143.
(3) S.S.I. 2006/582 as amended by S.S.I. 2006/614.

- (b) omit the definition of “the Uncultivated Land and Semi-Natural Areas Regulations”.

Amendment to regulation 5

4. In regulation 5 (competent control authority)–

- (a) in paragraph (1), at the beginning insert “Subject to paragraph (1A),”; and
- (b) after paragraph (1) insert–

“(1A) The Secretary of State is designated as the Competent Control Authority for the purposes of the controls referred to in Article 42(1) of the Commission Regulation in respect of statutory management requirements 10, 13, 14, 15, 16, 17 and 18 of Annex III to the Council Regulation.”.

Amendment to regulation 6

5. In regulation 6(3) (powers of authorised persons)–

- (a) in sub-paragraph (a), after “examinations” insert “, measurements”;
- (b) in sub-paragraph (d) for “kept on it” substitute “any livestock or any other thing kept on it”;
- (c) in sub-paragraphs (f) and (g) for “records” (each time it appears) substitute “documents or records”;
- (d) in sub-paragraph (g) for “record” substitute “document or record”;
- (e) omit “and” at the end of sub-paragraph (f); and
- (f) after “away” in sub-paragraph (g) insert–

“;

- (h) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;
- (i) take a photograph of anything on the land; and
- (j) remove anything which the authorised person reasonably believes to be evidence of any non compliance”.

Amendment to the Schedule

6. In the Schedule (good agricultural and environmental condition)–

- (a) in paragraphs 12(2)(b) (pasture land of environmental or archaeological value), 13(1) (works on rough grazings and other semi-natural areas) and 14(a) (pesticides, lime and fertiliser on rough grazings and other semi-natural areas), for “Uncultivated Land and Semi-Natural Areas Regulations” substitute “EIA Agriculture Regulations”; and
- (b) in paragraph 17 (protected historic environment)–
 - (i) after “following” insert “monuments,”; and
 - (ii) in sub-paragraph (a) for “building” substitute “monument”.

St. Andrew’s House Edinburgh
19th February 2007

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (“the 2004 Regulations”), which provide for the administration and enforcement of cross-compliance under Council Regulation (EC) No. 1782/2003 (O.J. No. L 270, 21.10.2003, p.1) and Commission Regulation (EC) No. 796/2004 (O.J. No. L 141, 30.4.2004, p.18). The cross-compliance requirements are in relation to the system of direct support subsidy schemes under the Common Agricultural Policy.

These Regulations amend the 2004 Regulations by—

- (a) replacing references to the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002 (S.S.I. 2002/6) with references to the Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006, the latter having revoked and replaced the former (regulations 3 and 6(a));
- (b) designating the Secretary of State as the competent control authority for the purposes of statutory management requirements 10, 13, 14, 15, 16, 17 and 18 in Annex III to Council Regulation (EC) No. 1782/2003 (regulation 4);
- (c) adding to the powers of authorised persons, principally in respect of inspections related to animal welfare under statutory management requirements 16 to 18 (regulation 5); and
- (d) amending paragraph 17 of the Schedule to the principal Regulations in respect of the protected historic environment to ensure that all monuments, and not just buildings, are protected by the good agricultural and environmental conditions (regulation 6(b)).