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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 50**

**The Less Favoured Area Support  
Scheme (Scotland) Regulations 2001**

**Eligibility for payment of less favoured area support**

- 4.—(1) Payment of less favoured area support may be made to an applicant only if—
- (a) that applicant has given an undertaking, in such form as the Scottish Ministers may reasonably require, to continue to use eligible land for eligible agricultural activities for a period of five years from the first payment made under these Regulations or under the 1999 Regulations or the 1996 Regulations;
  - (b) that applicant applies usual good farming practices on the applicant's eligible land; and
  - (c) that applicant does not use substances referred to in Article 14.2 of the Council Regulation 1257/1999.
- (2) Paragraph (1)(a) does not apply to an applicant who is in receipt of a retirement pension at the time when that undertaking requires to be given.
- (3) An applicant is released from the undertaking referred to in paragraph (1)(a) if—
- (a) at the moment that such an applicant receives a retirement pension;
  - (b) that applicant is prevented from continuing to discharge that undertaking by reason of any material circumstances beyond that person's control; or
  - (c) the applicant ceases farming and at least three hectares of the applicant's eligible land continues to be used for carrying out an eligible agricultural activity.
- (4) For the purposes of paragraph (1)(b), an applicant applies usual good farming practices on the eligible land if the applicant complies in relation to the eligible land—
- (a) with provisions of environmental legislation set out in Part I of Schedule 5; and
  - (b) with the verifiable standards set out in Part II of Schedule 5.