
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 139

**The Less Favoured Area Support
Scheme (Scotland) Regulations 2002**

Eligible land

6.—(1) Subject to paragraphs (3) and (4), eligible land comprises the number of hectares of forage area in a less favoured area—

- (a) as declared in an area aid application submitted to the Scottish Ministers, on or before 15th May in the Scheme Year for which payment is to be made, by the applicant in accordance with Article 6 of Council Regulation 3508/92; or
- (b) where the applicant has not previously claimed any subsidy dependent upon an area aid application, as declared by the applicant in a form which the Scottish Ministers may specify from time to time.

(2) Eligible land includes land in respect of which the applicant has a right of use pursuant to arrangements such as short term lets, seasonal grazing and common grazing.

(3) If the applicant does not achieve the minimum stocking density appropriate to the holding—

- (a) as at the start of the retention period where eligibility rests on livestock claimed under SAPS;
- (b) as at the start of the retention period where eligibility rests on livestock claimed under SCPS;
- (c) during the Scheme Year where eligibility rests on livestock declared separately in an application for less favoured area support; or
- (d) in the opinion of Scottish Ministers where eligibility must be determined from a combination of livestock described in sub-paragraphs (a) to (c), on the land determined in accordance with paragraph (1),

the area of the eligible land will be reduced to the number of hectares, which are deemed to support the livestock units which the applicant maintains, by way of calculation in accordance with the following formula:—

$$L/M=H,$$

where

- L = Subject to paragraph (6), total number of livestock units;
- M = Minimum stocking density; and
- H = Hectares to be paid according to the class of holding.

(4) Any reduction in the area of eligible land resulting from the application of the calculation in paragraph (3) will be applied—

- (a) firstly to the number of hectares declared by the applicant as rough grazing; and
- (b) then to the number of hectares declared by the applicant as improved pasture.

(5) If an application made in accordance with regulation 3 relates to land upon which an activity is carried out which is not an eligible agricultural activity for the purposes of these Regulations, the

Scottish Ministers shall determine the percentage of land which is to be attributed to the eligible agricultural activity.

(6) Where an applicant fails to achieve the minimum stocking density appropriate to the holding as a result of not being able to re-stock following slaughter of livestock under the Animal Health Act 1981⁽¹⁾ or in consequence of the service of a notice or an order being in place under the Foot-and-Mouth Disease Order 1983⁽²⁾, the Scottish Ministers may determine the total number of livestock units to be used for the purpose of the calculation at paragraph (3).

(1) 1981 c. 22.

(2) S.I. 1983/1950, as amended by S.I. 1993/3119, 1995/2922 and, as regards Scotland, by S.S.I. 2001/52, 55, 101 and 390.