
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 129

**The Less Favoured Area Support
Scheme (Scotland) Regulations 2003**

[^{F1}Stocking density outwith maximum and minimum parameters

10.—(1) The following provisions of this regulation shall apply for the purposes of the Scheme 2003 payment where the stocking density calculated in accordance with regulation 9(9) and Parts I and II of Schedule 1 based on eligible agricultural activity undertaken in calendar year 2002 is either less than the minimum stocking density or greater than the maximum stocking density:—

- (a) at the start of the retention period where eligibility rests on livestock claimed under the Sheep Annual Premium Scheme;
- (b) at the start of the retention period where eligibility rests on livestock claimed under the Suckler Cow Premium Scheme;
- (c) during calendar year 2002 where eligibility rests on livestock declared separately in an application for less favoured area support; or
- (d) in the opinion of the Scottish Ministers where eligibility must be determined from a combination of livestock described in sub-paragraphs (i) to (iii) above.

(2) Where the stocking density calculated in accordance with regulation 9(9) and Parts I and II of Schedule 1 based on eligible agricultural activity undertaken in calendar year 2002 is less than the minimum stocking density, the Payable Area shall be the number of hectares calculated in accordance with the following formula:—

$$P_1 = K \div M$$

Where

P_1 is the Payable Area;

K is, subject to paragraph (4), the number of eligible livestock units based on eligible agricultural activity undertaken in calendar year 2002; and

M is the minimum stocking density.

(3) Where the stocking density calculated in accordance with regulation 9(9) and Parts I and II of Schedule 1 based on eligible agricultural activity undertaken in calendar year 2002 is greater than the maximum stocking density, the Payable Area shall be the number of hectares calculated in accordance with the following formula:—

$$P_2 = F \times Q \div (J \div F)$$

Where

P_2 is the Payable Area;

F is the area of eligible land determined in accordance with regulation 6;

Q is the maximum stocking density; and

J is the number of eligible livestock units based on eligible agricultural activity undertaken in calendar year 2002.

(4) Where an applicant fails to achieve the minimum stocking density as a result of not being able to re-stock following slaughter of livestock under the Animal Health Act 1981 ^{M1} or in consequence

Changes to legislation: There are currently no known outstanding effects for the The Less Favoured Area Support Scheme (Scotland) Regulations 2003, Section 10. (See end of Document for details)

of the service of a notice or an order being in place under the Foot-and-Mouth Disease Order 1983^{M2}, the Scottish Ministers may, by a decision, determine the total number of livestock units to be used for the purpose of the calculation at paragraph (2).]

F1 Regulations revoked in part (18.3.2004) by [The Less Favoured Area Support Scheme \(Scotland\) Regulations 2004 \(S.S.I. 2004/70\)](#), **reg. 27** (with **reg. 1(2)**)

Marginal Citations

M1 1981 c. 22.

M2 [S.I. 1983/1950](#), as amended by [S.I. 1993/3119](#) and [S.I. 1995/2922](#) and, as regards Scotland, by [S.S.I. 2001/52](#), 55, 101 and 390.

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