

## SCHEDULE 1

Regulations 2(1), 7(a) and 11(1)(c)(iii)

## CAPITAL ACTIVITIES

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Requirements</i>
<p><b>1.</b> Erection of–</p> <p>(a) A stock fence;</p> <p>(b) Gate and posts;</p> <p>(c) A single stile; or</p> <p>(d) A double stile.</p>	<p>(i) The construction and all materials must conform to the appropriate British Standards;</p> <p>(ii) Except as otherwise provided, fence posts must be placed at intervals of no more than 3.5 metres or 12 metres where high tensile wire and droppers are used;</p> <p>(iii) Except as otherwise provided, a fence must have a minimum of 6 line wires or 2 line wires and woven wire netting; and</p> <p>(iv) Where fences are erected to enhance hedgerows they must be sited at least 1 metre from the centre line of the hedge.</p>
<p><b>2.</b> Conversion of a stock fence to a deer fence.</p>	<p>The conversion of an existing stock fence to a deer fence must have new strainers erected and full length stobs driven in every 12 metres and droppers on the top of the fence every 2 metres as well as the existing stobs.</p>
<p><b>3.</b> Erection of a scare or temporary fence or rabbit proof netting.</p>	<p>(i) A scare fence must consist of a minimum of 2 line wires with posts at intervals of not more than 6 metres;</p> <p>(ii) Rabbit proofing shall be carried out with galvanised wire netting. The netting must not be less than 1.05 metres wide British Standards designation 18 and have a mesh no larger than 31 millimetres. The top edge of the netting must not be less than 0.9 metres above ground level;</p> <p>(iii) The netting shall be fastened to the fencing and the bottom edge of the netting must be buried in the ground to a suitable depth or turned outward and anchored; and</p> <p>(iv) All gates in rabbit proofed fences must also be rabbit proofed.</p>
<p><b>4.</b> Erection of a deer fence marked to reduce bird collision.</p>	<p>(i) Deer fences must not be less than 1.8 metres high and have a minimum of 3 line wires and woven netting with stobs at no more than 3.5 metre intervals and 12 metre intervals with droppers every 2 metres for high tensile wire; and</p> <p>(ii) In areas where black grouse and capercaillie occur, to make the fence more</p>

**Status:** This is the original version (as it was originally made).

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Requirements</i>
	<p>visible and thus reduce the number of collisions, deer fences must use either—</p> <p>(aa) A double strip of orange barrier netting, each strip being approximately 45 centimetres in width. Both strips must be secured with pig rings/wire twists at intervals of circa. 30 centimetres on the upper and lower edges. The top of the upper strip should reach the top strand of the fence. The top of the lower strip must reach the middle strand of the fence; or</p> <p>(bb) Another fence marking design approved in writing by the Scottish Ministers for this purpose.</p>
<p>5. Erection of a post and rail fence as a tree guard or water gate.</p>	<p>A post and rail fence erected as a tree guard or a water gate must have posts no more than 3 metres apart and 4 rails (70 millimetres x 20 millimetres).</p>
<p>6. Building or restoration of traditional drystone or flagstone dykes or walls.</p>	<p>Drystone or flagstone dykes or walls must be rebuilt with material traditional to the locality and to a standard normally found there.</p>
<p>7. Installation of self supporting guard for hedge plants.</p>	<p>Self supporting guards must be securely fixed to protect newly planted material from damage by rodents and grazing animals.</p>
<p>8. Installation of a water trough.</p>	<p>The trough must be permanently mounted on a durable base and a stopcock must be provided to control the water supply.</p>
<p>9. Planting, replanting, coppicing or laying of a hedge.</p>	<p>(i) Where new hedging or gapping up of existing hedges is undertaken, plants must be established in a double row with a minimum of 6 plants per metre;</p> <p>(ii) A single species must not account for more than 75% of the plants established; and</p> <p>(iii) Species selected for the replanting or gapping up must already be present within the existing hedge.</p>

## SCHEDULE 2

Regulation 2(1)

## DEFINITION OF REGULATION 2092/91

“Regulation 2092/91” means Council Regulation (EEC) No. 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs(1) as amended by–

<i>Community Instrument</i>	<i>Reference</i>
Commission Regulation (EEC) No. 1535/92	O.J. No. L 162, 16.6.92, p.15
Commission Regulation (EEC) No. 2083/92	O.J. No. L 208, 24.7.92, p.15
Commission Regulation (EEC) No. 207/93	O.J. No. L 25, 2.2.93, p.5
Commission Regulation (EEC) No. 2608/93	O.J. No. L 239, 24.9.93, p.10
Act of Accession of Austria, Sweden and Finland(2)	O.J. No. C 241, 29.8.94, p.21
Commission Regulation (EC) No. 468/94	O.J. No. L 59, 3.3.94, p.1
Council Regulation (EC) No. 1468/94	O.J. No. L 159, 28.6.94, p.11
Commission Regulation (EC) No. 2381/94	O.J. No. L 255, 1.10.94, p.84
Commission Regulation (EC) No. 1201/95	O.J. No. L 119, 30.5.95, p.9
Commission Regulation (EC) No. 1202/95	O.J. No. L 119, 30.5.95, p.11
Council Regulation (EC) No. 1935/95	O.J. No. L 186, 5.8.95, p.1
Commission Regulation (EC) No. 418/96	O.J. No. L 59, 8.3.96, p.10
Commission Regulation (EC) No. 1488/97	O.J. No. L 202, 30.7.97, p.12
Commission Regulation (EC) No. 1900/98	O.J. No. L 247, 5.9.98, p.6
Commission Regulation (EC) No. 330/1999	O.J. No. L 40, 13.2.99, p.23
Council Regulation (EC) No. 1804/1999	O.J. No. L 222, 24.8.99, p.1
Commission Regulation (EC) No. 331/2000	O.J. No. L48, 19.2.00, p.1
Commission Regulation (EC) No. 1073/2000	O.J. No. L 119, 20.5.00, p.27
Commission Regulation (EC) No. 1437/2000	O.J. No. L 161, 1.7.00, p.62
Commission Regulation (EC) No. 2020/2000	O.J. No. L 241, 26.9.00, p.39
Commission Regulation (EC) No. 436/2001	O.J. No. L 63, 3.3.01, p.16
Commission Regulation (EC) No. 2491/2001	O.J. No. L 337, 20.12.01, p.9
Commission Regulation (EC) No. 473/2002	O.J. No. L 75, 16.3.02, p.21
Commission Regulation (EC) No. 1452/2003	O.J. No. L 206, 15.8.03, p.17
Commission Regulation (EC) No. 223/2003	O.J. No. L 31, 6.2.03, p.3
Commission Regulation (EC) No. 599/2003	O.J. No. L 85, 2.4.03, p.15
Council Regulation (EC) No. 806/2003	O.J. No. L 122, 16.5.03, p.1

(1) O.J. No. L 198, 22.7.91, p.1.

(2) Adapted by Council Decision 95/1/EC, Euratom, ESCS, O.J. No. L 1, 1.1.95, p.1.

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<i>Community Instrument</i>	<i>Reference</i>
Commission Regulation (EC) No. 2277/2003	O.J. No. L 336, 23.12.03, p.68
Council Regulation (EC) No. 392/2004	O.J. No. L 65, 13.3.04, p.1

### SCHEDULE 3

Regulations 3(2) and 14(2)(a)

#### PAYMENTS OF CONVERSION GRANT

**1.** Subject to paragraph 5, where the production unit or common grazing in respect of which conversion grant is to be granted is eligible arable land the amount payable in relation to such land shall be calculated as follows:–

(a)	(a) First year	£220 per hectare of eligible arable land
(b)	(b) Second year	£220 per hectare of eligible arable land
(c)	(c) Third year	£55 per hectare of eligible arable land
(d)	(d) Fourth year	£55 per hectare of eligible arable land
(e)	(e) Fifth year	£45 per hectare of eligible arable land.

**2.** Subject to paragraph 5, where the production unit or common grazing in respect of which conversion grant is to be granted is improved grassland the amount payable in relation to such land shall be calculated as follows:–

(a)	(a) First year	£120 per hectare of improved grassland
(b)	(b) Second year	£120 per hectare of improved grassland
(c)	(c) Third year	£50 per hectare of improved grassland
(d)	(d) Fourth year	£50 per hectare of improved grassland
(e)	(e) Fifth year	£30 per hectare of improved grassland.

**3.** Subject to paragraph 5, where the production unit or common grazing in respect of which conversion grant is to be granted is rough grazing or unimproved grassland, the amount payable in relation to such land shall be calculated as follows:–

(a)	(a) First year	£5 per hectare of rough grazing or unimproved grassland
(b)	(b) Second year	£5 per hectare of rough grazing or unimproved grassland
(c)	(c) Third year	£5 per hectare of rough grazing or unimproved grassland
(d)	(d) Fourth year	£5 per hectare of rough grazing or unimproved grassland
(e)	(e) Fifth year	£5 per hectare of rough grazing or unimproved grassland.

4. Subject to paragraph 5, where the production unit or common grazing in respect of which conversion grant is to be granted is vegetable and fruit land, the amount payable in relation to such land shall be calculated as follows:–

(a)	(a) First year	£300 per hectare of vegetable and fruit land
(b)	(b) Second year	£300 per hectare of vegetable and fruit land
(c)	(c) Third year	£40 per hectare of vegetable and fruit land
(d)	(d) Fourth year	£40 per hectare of vegetable and fruit land
(e)	(e) Fifth year	£40 per hectare of vegetable and fruit land.

5. Where the production unit or common grazing in respect of which conversion grant is to be granted comprises land which falls within more than one of paragraphs 1 to 4, each of the applicable paragraphs shall apply to the relevant part of the production unit or common grazing and the amount payable in relation to such production unit or common grazing shall be the total of the sums payable under each of the relevant paragraphs.

#### SCHEDULE 4

Regulations 6(f) and 9(f)

##### THE STANDARD OF GOOD FARMING PRACTICE

1. On rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetlands and native, amenity or semi-natural woodlands, livestock must be managed to avoid either overgrazing or undergrazing.
2. The removal or clearance of drystone or flagstone dykes or walls, hedges and hedgerow trees will not be permitted except with the prior written agreement of the Scottish Ministers.
3. No hedge trimming may be carried out in the period 1st March to 31st July.
4. Scottish Natural Heritage must be notified of any intended operations that are likely to damage any site of special scientific interest on the land.
5. If a new silage or slurry storage facility is constructed on the land, the Scottish Environmental Protection Agency must be notified in writing before it is used.
6. Prior written authorisation must be obtained from the Scottish Environment Protection Agency before any sheep dip is disposed of on the land.
7. Records of any agreement notification or authorisation under paragraphs 2, 5 and 6 shall be kept until the fifth anniversary of the date of entry into the conversion part of the scheme or the fifth anniversary of the date of entry into the maintenance part of the scheme as the case may be.

#### SCHEDULE 5

Regulation 9(e)

##### MAINTENANCE OBLIGATIONS

1. No field operations, such as harrowing and rolling, on species rich grassland or rough grazings may be carried out during the nesting season.
2. No cultivation may be carried out within one metre of any boundary feature, such as fences, hedges and walls.

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3. To avoid damaging the conservation interest of rough grazings, unimproved grassland, reverted improved grassland, machair and dune grassland, wetland, water margins, and native amenity or semi-natural woodlands, no new drainage works, ploughing, clearing, levelling, reseeding or cultivating may be undertaken and livestock must be managed in such a way as to avoid poaching.

4. Injurious weeds to which the Weeds Act 1959(3) applies must be controlled to prevent their spread and to avoid the risk of damage to the conservation interest of any habitat or feature on the farm or part of a farm in relation to which the maintenance grant is payable.

5. Muirburn may only be carried out in accordance with guidance approved by Scottish Ministers.

6. The damage or destruction of any historic or archaeological features or areas must be avoided and guidance approved by the Scottish Ministers must be followed for the protection of such features or areas.

#### SCHEDULE 6

Regulation 14(2)(b)

#### PAYMENTS OF CAPITAL GRANT

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Number of payment</i>	<i>Column 2</i> <i>Rate of Payment</i>
<b>1. Erection of—</b>		
(a) (a) A stock fence—	First payment	£0.75 per metre
	Second payment	£0.79 per metre
	Third payment	£0.68 per metre
	Fourth payment	£0.36 per metre
	Fifth payment	£0.38 per metre
	Sixth payment	£0.40 per metre;
(b) (b) Gate and posts—	First payment	£6.25 per metre
	Second payment	£6.58 per metre
	Third payment	£5.63 per metre
	Fourth payment	£2.98 per metre
	Fifth payment	£3.15 per metre
	Sixth payment	£3.35 per metre;
(c) (c) A single stile—	First payment	£6.25 each
	Second payment	£6.58 each
	Third payment	£5.63 each
	Fourth payment	£2.98 each
	Fifth payment	£3.15 each

(3) 1959 c. 54.

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Number of payment</i>	<i>Column 2</i> <i>Rate of Payment</i>
	Sixth payment	£3.35 each;
(d) (d) A double stile–	First payment	£11.25 each
	Second payment	£11.84 each
	Third payment	£10.13 each
	Fourth payment	£5.36 each
	Fifth payment	£5.67 each
	Sixth payment	£6.03 each.
2. Conversion of a stock fence to a deer fence–	First payment	£0.63 per metre
	Second payment	£0.66 per metre
	Third payment	£0.56 per metre
	Fourth payment	£0.30 per metre
	Fifth payment	£0.32 per metre
	Sixth payment	£0.34 per metre.
3. Erection of a scare or temporary fence or rabbit proof netting–	First payment	£0.38 per metre
	Second payment	£0.39 per metre
	Third payment	£0.34 per metre
	Fourth payment	£0.18 per metre
	Fifth payment	£0.19 per metre
	Sixth payment	£0.20 per metre.
4. Erection of a deer fence marked to reduce bird collision–	First payment	£1.63 per metre
	Second payment	£1.71 per metre
	Third payment	£1.46 per metre
	Fourth payment	£0.77 per metre
	Fifth payment	£0.82 per metre
	Sixth payment	£0.87 per metre.
5. Erection of a post and rail fence as a tree guard or water gate–	First payment	£4.00 per metre
	Second payment	£4.21 per metre
	Third payment	£3.60 per metre
	Fourth payment	£1.90 per metre

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<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Number of payment</i>	<i>Column 2</i> <i>Rate of Payment</i>
	Fifth payment	£2.02 per metre
	Sixth payment	£2.14 per metre.
<b>6.</b> Building or restoration of traditional drystone or flagstone dykes or walls–	First payment	£4.00 per square metre
	Second payment	£4.21 per square metre
	Third payment	£3.60 per square metre
	Fourth payment	£1.90 per square metre
	Fifth payment	£2.02 per square metre
	Sixth payment	£2.14 per square metre.
<b>7.</b> Installation of self supporting guard for hedge plants–	First payment	£0.13 each
	Second payment	£0.13 each
	Third payment	£0.11 each
	Fourth payment	£0.06 each
	Fifth payment	£0.06 each
	Sixth payment	£0.07 each.
<b>8.</b> Installation of a water trough–	First payment	£50.00 each
	Second payment	£52.60 each
	Third payment	£45.00 each
	Fourth payment	£23.80 each
	Fifth payment	£25.20 each
	Sixth payment	£26.80 each.
<b>9.</b> Planting, replanting, coppicing or laying of a hedge–	First payment	£1.00 per metre
	Second payment	£1.05 per metre
	Third payment	£0.90 per metre
	Fourth payment	£0.48 per metre
	Fifth payment	£0.50 per metre
	Sixth payment	£0.536 per metre.



## SCHEDULE 7

Regulation 14(2)(c)

## PAYMENTS OF MAINTENANCE GRANT

1. Subject to paragraph 5, where the organic production unit or common grazing in respect of which maintenance grant is to be granted is eligible arable land, the amount payable in relation to such land shall be calculated as follows:—

(a)	(a) First year	£30 per hectare of eligible arable land
(b)	(b) Second year	£30 per hectare of eligible arable land
(c)	(c) Third year	£30 per hectare of eligible arable land
(d)	(d) Fourth year	£30 per hectare of eligible arable land
(e)	(e) Fifth year	£30 per hectare of eligible arable land.

2. Subject to paragraph 5, where the organic production unit or common grazing in respect of which maintenance grant is to be granted is improved grassland, the amount payable in relation to such land shall be calculated as follows:—

(a)	(a) First year	£14 per hectare of improved grassland
(b)	(b) Second year	£14 per hectare of improved grassland
(c)	(c) Third year	£14 per hectare of improved grassland
(d)	(d) Fourth year	£14 per hectare of improved grassland
(e)	(e) Fifth year	£14 per hectare of improved grassland.

3. Subject to paragraph 5, where the organic production unit or common grazing in respect of which maintenance grant is to be granted is rough grazing or unimproved grassland, the amount payable in relation to such land shall be calculated as follows:—

(a)	(a) First year	£500 in respect of all rough grazing or unimproved grassland in the beneficiary's holding or common grazing
(b)	(b) Second year	£500 in respect of all rough grazing or unimproved grassland in the beneficiary's holding or common grazing
(c)	(c) Third year	£500 in respect of all rough grazing or unimproved grassland in the beneficiary's holding or common grazing
(d)	(d) Fourth year	£500 in respect of all rough grazing or unimproved grassland in the beneficiary's holding or common grazing
(e)	(e) Fifth year	£500 in respect of all rough grazing or unimproved grassland in the beneficiary's holding or common grazing.

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4. Subject to paragraph 5, where the organic production unit or common grazing in respect of which maintenance grant is to be granted is vegetable and fruit land, the amount payable in relation to such land shall be calculated as follows:—

(a)	(a) First year	£14 per hectare of vegetable and fruit land
(b)	(b) Second year	£14 per hectare of vegetable and fruit land
(c)	(c) Third year	£14 per hectare of vegetable and fruit land
(d)	(d) Fourth year	£14 per hectare of vegetable and fruit land
(e)	(e) Fifth year	£14 per hectare of vegetable and fruit land.

5.—(1) Where the organic production unit or common grazing in respect of which maintenance grant is to be granted comprises land which falls within more than one of paragraphs 1, 2 and 4 but not paragraph 3, each of the applicable paragraphs shall apply to the relevant part of the organic production unit or common grazing and the amount payable in relation to such organic production unit or common grazing shall be the total of the sums payable under each of the relevant paragraphs.

(2) Subject to sub-paragraph (3), where the organic production unit or common grazing in respect of which maintenance grant is to be granted comprises rough grazing or unimproved grassland as well as eligible arable land, unimproved grassland or vegetable and fruit land, the maintenance grant payable shall be the greater of—

- (a) the amount calculated in accordance with paragraph 3; and
- (b) the total amount calculated in accordance with sub-paragraph (1).

(3) Where the beneficiary is claiming maintenance grant for more than one organic production unit or common grazing, the beneficiary may elect to be paid the lower of the two sums specified in paragraph (2) instead of the greater in relation to any or all of the relevant organic production units or common grazings.

## SCHEDULE 8

Regulation 15

### PHASING DATES AND PERIODS

<i>Column 1</i> <i>Area of land</i>	<i>Column 2</i> <i>Period to replace the specified conversion period</i>	<i>Column 3</i> <i>Date to replace the date of entry into the conversion part of the scheme</i>	<i>Column 4</i> <i>Period to replace the specified maintenance period</i>	<i>Column 5</i> <i>Date to replace the date of entry into the maintenance part of the scheme</i>
First area.	The period of 5 years commencing on the date of registration of the whole production unit or common grazing.	1st September following the applicant's making of the application for the conversion grant.	The period of 5 years commencing on the date the applicant for a maintenance grant proposes in terms of regulation 11(1)	(a) Where the applicant applies for the maintenance grant during the

<i>Column 1</i> <i>Area of land</i>	<i>Column 2</i> <i>Period to replace the specified conversion period</i>	<i>Column 3</i> <i>Date to replace the date of entry into the conversion part of the scheme</i>	<i>Column 4</i> <i>Period to replace the specified maintenance period</i>	<i>Column 5</i> <i>Date to replace the date of entry into the maintenance part of the scheme</i>
			(d)(ii) to assume the obligations for the first area under the undertaking to be given under regulation 9.	<p>specified period of an undertaking given under the 1994 Regulations, the later of—</p> <p>(i) 1st September following the applicant’s making of the application for the maintenance grant; and</p> <p>(ii) the earlier of—</p> <p>(aa) the day after the end of the specified period of the undertaking for the first area; and</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Area of land</i>	<i>Period to replace the specified conversion period</i>	<i>Date to replace the date of entry into the conversion part of the scheme</i>	<i>Period to replace the specified maintenance period</i>	<i>Date to replace the date of entry into the maintenance part of the scheme</i>

(bb) 1st November following the applicant's making of the application for the maintenance grant; and

(b) In all other cases on 1st September following the applicant's making of the application for the maintenance grant;

which date is referred to in this Schedule as the "date of commencement of phasing of entry into the maintenance part of the scheme".

Second area.

The period of 5 years commencing on the first anniversary of the date of registration of the

The first anniversary of 1st September following the applicant's making of the

The period of 5 years commencing on the first anniversary of the date the applicant for a maintenance

The first anniversary of the date of commencement of phasing of entry into the

<i>Column 1 Area of land</i>	<i>Column 2 Period to replace the specified conversion period</i>	<i>Column 3 Date to replace the date of entry into the conversion part of the scheme</i>	<i>Column 4 Period to replace the specified maintenance period</i>	<i>Column 5 Date to replace the date of entry into the maintenance part of the scheme</i>
	whole production unit or common grazing.	application for the conversion grant.	grant proposes in terms of regulation 11(1) (d)(ii) to assume the obligations for the first area under the undertaking to be given under regulation 9.	maintenance part of the scheme(4).
Third area.	The period of 5 years commencing on the second anniversary of the date of registration of the whole production unit or common grazing.	The second anniversary of 1st September following the applicant's making of the application for the conversion grant.	The period of 5 years commencing on the second anniversary of the date the applicant for a maintenance grant proposes in terms of regulation 11(1) (d)(ii) to assume the obligations for the first area under the undertaking to be given under regulation 9.	The second anniversary of the date of commencement of phasing of entry into the maintenance part of the scheme(5).
Fourth area.	The period of 5 years commencing on the third anniversary of the date of registration of the whole production unit or common grazing.	The third anniversary of 1st September following the applicant's making of the application for the conversion grant.	The period of 5 years commencing on the third anniversary of the date the applicant for a maintenance grant proposes in terms of regulation 11(1) (d)(ii) to assume the obligations for the first	The third anniversary of the date of commencement of phasing of entry into the maintenance part of the scheme(a).

(4) The date of commencement of phasing of entry into the maintenance part of the scheme is defined in column 5 of this Schedule in relation to the first area.

(5) The date of commencement of phasing of entry into the maintenance part of the scheme is defined in column 5 of this Schedule in relation to the first area.

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<i>Column 1 Area of land</i>	<i>Column 2 Period to replace the specified conversion period</i>	<i>Column 3 Date to replace the date of entry into the conversion part of the scheme</i>	<i>Column 4 Period to replace the specified maintenance period</i>	<i>Column 5 Date to replace the date of entry into the maintenance part of the scheme</i>
Fifth area.	The period of 5 years commencing on the fourth anniversary of the date of registration of the whole production unit or common grazing.	The fourth anniversary of 1st September following the applicant's making of the application for the conversion grant.	area under the undertaking to be given under regulation 9.  The period of 5 years commencing on the fourth anniversary of the date the applicant for a maintenance grant proposes in terms of regulation 11(1)(d)(ii) to assume the obligations for the first area under the undertaking to be given under regulation 9.	The fourth anniversary of the date of commencement of phasing of entry into the maintenance part of the scheme(a).