
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 70

**The Less Favoured Area Support
Scheme (Scotland) Regulations 2004**

Eligibility for payment of less favoured area support

4.—(1) Payment of less favoured area support may be made to an applicant in respect of a Scheme Year only if—

- (a) subject to paragraphs (2) and (3), 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 not less than five years from the first payment made under—
 - (i) these Regulations;
 - (ii) the 2003 Regulations;
 - (iii) the 2002 Regulations;
 - (iv) the 2001 Regulations;
 - (v) the 1999 Regulations; or
 - (vi) the 1996 Regulations;
- (b) that applicant applies usual good farming practices on the eligible land of the applicant;
- (c) that applicant does not use on the eligible land any of the substances referred to in Article 14.2 of Council Regulation 1257/1999; and
- (d) that applicant complies with the environmental controls set out in Schedule 3 in respect of the eligible land.

(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 (or was required) to be given.

(3) An applicant is released from the undertaking referred to in paragraph (1)(a)—

- (a) at the moment that such an applicant receives a retirement pension;
- (b) if that applicant is prevented from continuing to discharge that undertaking by reason of any material circumstances beyond the control of that person; or
- (c) if the applicant ceases farming and at least three hectares of the eligible land of the applicant continues to be used for carrying out an eligible agricultural activity.