
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 143

**The Common Agricultural Policy Single Farm Payment
and Support Schemes (Scotland) Regulations 2005**

PART 6

The Scottish Beef Calf Scheme

Interpretation of Part 6

19. In this Part of, and Schedule 4 to, these Regulations—

“animal” means, in respect of a particular Scheme year, a bovine animal in respect of which an application for a Scheme payment has been or will be made;

“applicant” means a farmer producing beef or veal at the time of lodging an application for a Scheme payment under regulation 20 whose IACS holding is wholly or partly in Scotland;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998⁽¹⁾;

“eartag number” means the unique identification code for the purposes of Article 4(1) of Regulation 1760/2000 under Part II of the Cattle Identification Regulations 1998;

“keeper’s holding” means a holding within the meaning of Regulation 1760/2000;

“IACS holding” means a holding as defined in Article 2(b) of Council Regulation 1782/2003;

“keeper” means any person responsible for an animal in respect of which an application for a Scheme payment is made or will be made, whether on a permanent or a temporary basis, including during transportation or at a market;

“the Scheme” means the Scottish Beef Calf Scheme established by this Part of, and Schedule 4 to, these Regulations;

“Scheme payment” means an additional payment under Article 69(2) of Council Regulation 1782/2003 in any Scheme year in accordance with the Scheme under this Part of, and Schedule 4 to, these Regulations; and

“Scheme year” means the calendar year in which a particular application under regulation 20 for a Scheme payment is made.

Applications for Scheme payments

20.—(1) An applicant is entitled to submit applications in respect of any number of animals claimed to be eligible under regulation 21 during a calendar year to the Scottish Ministers for a Scheme payment.

(1) (“the 1998 Regulations”); S.I. 1998/871, amended by S.I. 1998/1796, 1998/2969, 1999/1339 and S.S.I. 2001/231, 2002/1 and 22. The definition of “cattle passport” in regulation 2(1) of the 1998 Regulations refers to Article 6.1 of Commission Regulation (EC) No. 2629/97 (O.J. No. L 354, 30.12.1997, p.9) which was repealed and replaced by Article 6.1 of Commission Regulation (EC) No 911/2004 implementing Regulation (EC) No. 1760/2000 as regards eartags, passports and holding registers (O.J. No. L 163, 30.4.2004, p. 65). See Article 11(2) of, and Annex II to, that Commission Regulation.

(2) For the purpose of Article 69(2) of Council Regulation 1782/2003, the Scheme payment for a particular Scheme year shall be made in respect of the applications for Scheme payment received in that calendar year, and an application received after 31st December will count as an application for the following Scheme year.

(3) An application must include the eartag number of any animal in respect of which the application is made in the form of—

- (a) a movement card from the animal's cattle passport;
- (b) a signed and dated printout from farm software showing the eartag numbers in a barcode which is the same as that on the movement card from the animal's cattle passport; or
- (c) a signed and dated written list of the eartag numbers of each animal.

(4) The application must be in writing in such a form and containing such particulars as may be specified by the Scottish Ministers.

(5) An application for a Scheme payment can be withdrawn in writing in respect of any animal included in that application unless the applicant or keeper has been notified by the Scottish Ministers of an inspection under the Cross Compliance Regulations, the Cattle Tracing Regulations or this Part of, or Schedule 4 to, these Regulations or of any errors in the application.

(6) For the purposes of Article 11(1) of Commission Regulation 796/2004, applicants must have submitted a single application in accordance with the IACS Regulations in the year of the application for the Scheme payment.

Eligible animals

21.—(1) Any application to the Scheme must be in respect of an animal which is eligible in terms of the requirements of paragraphs (2) to (7).

(2) An eligible animal must be genetically at least 75% of a breed of cattle other than a breed listed in Schedule 3 to these Regulations.

(3) An eligible animal must have been born on or after 2nd December 2004 on an applicant's IACS holding.

(4) An eligible animal must have been kept on that IACS holding of birth for a continuous period of 30 days.

(5) An eligible animal must have been registered in accordance with Article 13 of the Cattle Identification Regulations 1998.

(6) An eligible animal must be accurately recorded in the register of cattle on the keeper's holding under regulation 29 of the Cattle Identification Regulations 1998.

(7) The appropriate Minister within the meaning of the Cattle Database Regulations 1998(2) must have been informed about any movements of an eligible animal which the keeper is required to intimate to them under Articles 4 and 7 of those Regulations.

Payments

22.—(1) Subject to regulation 23, the Scheme payment to be made in respect of each eligible animal shall be determined by the Scottish Ministers to be funded from any retention pursuant to Article 69(1) of Council Regulation 1782/2003 and Article 48(5) of Commission Regulation 795/2004 for that Scheme year on the basis of the number of eligible animals in respect of which a Scheme payment has been claimed in applications received for that Scheme year.

(2) A higher payment may be determined by the Scottish Ministers to be made in respect of the first 10 eligible animals claimed by each applicant than for the remainder of the eligible animals claimed by that applicant.

Scheme penalties

23.—(1) Subject to regulation 24, where, in respect of an application for a Scheme payment, a difference is found between the number of animals claimed as eligible by the applicant and the number of animals which are eligible in accordance with regulation 21 in any Scheme year, the total amount of the Scheme payment to which the applicant is entitled shall be reduced in accordance with this regulation.

(2) Where paragraph (1) applies, a percentage shall be calculated from the number of animals claimed during the Scheme year concerned and found to be ineligible divided by the number animals determined to be eligible for the Scheme year concerned.

(3) Where 3 or fewer claimed animals are found to be ineligible, the total amount of the Scheme payment to which the applicant is entitled for the Scheme year concerned shall be reduced by that percentage.

(4) Where more than 3 animals are found to be ineligible, the total amount of the Scheme payment to which the applicant is entitled for the Scheme year concerned shall be—

- (a) reduced by the percentage established under paragraph (2), if it is not more than 10%; or
- (b) reduced by twice the percentage established under paragraph (2), if it is more than 10% but not more than 20% or
- (c) refused entirely, if the percentage established under paragraph (2) is more than 20%.

(5) Where an applicant knowingly or recklessly makes a statement or furnishes any information in respect of an application which is false or misleading in a material particular—

- (a) the Scheme payment to which the applicant would have been entitled shall be refused for the Scheme year concerned; and
- (b) the applicant shall be excluded from receiving Scheme payments in respect of an additional amount of the same amount as the amount refused under sub paragraph (a), which amount shall be off-set (or the Scheme payment withheld if the amount cannot be fully off-set) in any Scheme year against Scheme payments to which the farmer would otherwise be entitled as a result of applications made in any Scheme year following the Scheme year concerned, until that amount is off-set.

Exceptions from scheme penalties

24.—(1) Except in respect of ineligibility under regulation 21(7), the penalties applied under regulation 23 shall not apply—

- (a) where the applicant submitted factually correct information or can show otherwise that the applicant is not at fault; and
- (b) subject to paragraph (2), to the parts of an application for a Scheme payment in relation to which—
 - (i) the applicant informs the Scottish Ministers in writing that the application for Scheme payment is incorrect or has become incorrect since it was submitted; or
 - (ii) the keeper notifies the appropriate Minister within the meaning of the Cattle Database Regulations 1998 under regulation 4 or 7 of those Regulations,

or either the applicant or keeper supply information to the Scottish Ministers or that appropriate Minister in writing about the animals or the IACS holding or keeper's holding

which are the subjects of that application which would have the effect described in paragraph (i).

(2) An applicant cannot take advantage of paragraph (1)(b) if the Scottish Ministers or that appropriate Minister has already informed that applicant of—

(a) that authority's intention to inspect the applicant's animals or IACS holding or keeper's holding; or

(b) the fact that an animal or the application is ineligible.

(3) Where an applicant has informed the Scottish Minister or that appropriate Minister or supplied them with information under paragraph (1)(b), that applicant's application shall be deemed to be adjusted so as to incorporate that information.

Administration and enforcement of the Scottish Beef Calf Scheme

25. Schedule 4 to these Regulations, which provides for the administration and enforcement of the Scheme, shall have effect.