
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 143

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

PART 7

Amendments, Revocations and Savings

Amendment of the Cross-Compliance Regulations

26.—(1) The Cross-Compliance Regulations are amended in accordance with paragraphs (2) to (4).

(2) At the end of the definition of “authorised person” in regulation 2(1), add “, or under Article 32(2) of Commission Regulation (EC) No. 795/2004 as amended⁽¹⁾ (which requires additional standards of good agricultural and environmental condition to be established as conditions for set-aside)”.

(3) After regulation 4, insert—

“Permanent pasture

4A.—(1) If it is established that the ratio in Article 3(1) of the Commission Regulation is decreasing, the Scottish Ministers must prohibit a farmer from converting land under permanent pasture, in accordance with Article 4(1) of the Commission Regulation.

(2) If it is established that the obligation in Article 3(2) of the Commission Regulation cannot be met, the Scottish Ministers must oblige a farmer to re-convert land to permanent pasture in accordance with Article 4(2) of the Commission Regulation.

(3) In this regulation, “permanent pasture” has the meaning given to it in Article 2(2) of the Commission Regulation.”.

(4) In paragraph 1(2)(b) of the Schedule, for “indicate” substitute “allow”.

Revocations and savings

27.—(1) Subject to the savings referred to in the remaining provisions of this regulation, the Regulations specified in column 1 of Schedule 5 to these Regulations are revoked to the extent specified in column 3 of that Schedule.

(2) The Regulations revoked by paragraph (1) and Schedule 5 to these Regulations (other than those specified in paragraph (3)) shall continue to apply in respect of applications for direct payments in respect of calendar years preceding 2005.

(3) The CAP Support Schemes (Modulation) (Scotland) Regulations 2000⁽²⁾, regulation 13(3) of the Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions)

(1) O.J. No. L 141, 30.4.2004, p.1, amended by Commission Regulation (EC) No 1974/2004 (O.J. No. L 345, 20.11.2004, p.85).

(2) S.S.I. 2000/429, amended by S.S.I. 2001/390 and 2004/398.

(Scotland) Regulations 2001⁽³⁾ and the CAP Support Schemes (Modulation) (Scotland) Amendment Regulations 2004⁽⁴⁾ shall continue to apply to direct payments in respect of scheme years which began before 2005.

(4) Regulation 12 of the Arable Area Payments Regulations 1996⁽⁵⁾ (delivery notifications for non-food raw materials) shall continue to apply in respect of farmers, collectors and first processors who make the declaration or provide the information mentioned in that regulation (as the case may be) after the coming into force of these Regulations.

(5) Paragraphs (1), (4) and (5) of regulation 14 of the Arable Area Payments Regulations 1996 (keeping and retention of records by a collector and a processor) shall continue to apply in respect of processors who purchased, after the coming into force of these Regulations, Annex I raw materials.

(6) In this regulation “Annex I raw materials”, “farmer” and “processor” have the meanings given to them in the Arable Area Payments Regulations 1996.

⁽³⁾ S.S.I. 2001/390.

⁽⁴⁾ S.S.I. 2004/398.

⁽⁵⁾ S.I. 1996/3142 as amended by S.I. 1997/2969, S.I. 1998/3169 and S.I. 1999/8.