

2006 No. 213

AGRICULTURE

**The Land Management Contracts (Menu Scheme) (Scotland)
Amendment Regulations 2006**

<i>Made</i> - - - -	<i>20th April 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>21st April 2006</i>
<i>Coming into force</i> - -	<i>15th May 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Land Management Contracts (Menu Scheme) (Scotland) Amendment Regulations 2006 and come into force on 15th May 2006.

Amendment of the Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005

2. The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005(b) are amended in accordance with regulations 3 to 5.

Amendment of regulation 3

3. In regulation 3(1) (applications for aid) for “(4)” substitute “(2)”.

Amendment of Schedule 1

4. In Schedule 1 (menu option activities, eligibility conditions and rates of payment)–

- (a) in option 2 (membership of quality assurance and organic schemes) in column 2 (activities and eligibility conditions)–
 - (i) in paragraph (a) for “2006” substitute “in the scheme year”; and
 - (ii) in paragraph (b) for “2005 and 16th January 2006” substitute “and 16th January in the scheme year”;
- (b) in option 3 (training) in column 2 in paragraph (a) omit “in a secondary school, Further Education College or Higher Education establishment”;

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15. The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2005/225, as amended by S.S.I. 2006/127.

- (c) in option 4 (farm and woodland visits) in column 2 for “woodland manager” substitute “representative of the business”;
- (d) in option 5 (off farm and woodland talks) in column 2 in paragraph (1) between “An applicant is eligible for payment under this Menu Option if the applicant” and “conducts” insert “or representative of the business”;
- (e) in option 7 (management of linear features: hedgerows and hedgerow trees; ditches; and dykes) in column 2–
 - (i) in paragraph (3)(ii)(a) (ditches) after “ditches” where it first appears insert “at least once within the 5 year period but”;
 - (ii) in paragraph (3)(iii)(a) (dykes) for “drystone walls; and” substitute “drystone dykes;”;
 - (iii) in paragraph (3)(iii)(b) for “wall” substitute “dyke”; and
 - (iv) at the end of paragraph (3)(iii)(b) insert–
 - “; and
 - (c) drystone dykes should be maintained with material traditional to the locality and to a standard and style normally found there”;
- (f) in option 8 (management of moorland grazing) in column 2 in paragraph (2)(a) after “interests” insert “, which plan must be in place by the start of the scheme year”;
- (g) in option 9 (management of rush pasture) in column 2 in paragraph (2)(b) before “maximum” on each occasion that it appears insert “minimum of one third and a”;
- (h) in option 10 (biodiversity cropping on in by land) in column 2 in paragraph (1) for “This is a 5 year commitment” substitute “The number of hectares applied for in any year must be maintained for 5 years”.
- (i) in option 11 (retention of winter stubbles) in column 2 in paragraph (1) for “This is a 5 year commitment” substitute “The number of hectares applied for in any year must be maintained for 5 years”;
- (j) in option 12 (wild bird seed mixture) in column 2–
 - (i) for paragraph (1) substitute “(1) The number of hectares applied for in any year must be maintained for 5 years.”; and
 - (ii) in paragraph (2)(a) after “bearing” for “crops” substitute “crop groups by 31st May”;
- (k) in option 15 (improving access) in column 2–
 - (i) in paragraph (2)(d) omit “use”;
 - (ii) in paragraph (2)(e) for “at the start of the route at a convenient point of entry” substitute “along the path to help users keep to the route”;
 - (iii) in paragraph (2)(i) after “items” insert “and sends a copy to the local Access Officer”; and
- (l) in option 16 (farm woodland planning) in column 2 paragraph (2)(e)–
 - (i) for “2005” substitute “in the scheme year”; and
 - (ii) omit “within 2 months of its receipt”.

Amendment of Schedule 3

5. In Schedule 3 (interpretation of Schedules)–

- (a) after the definition of “cropped machair” insert–
 - ““ditches” means a man-made channel or adapted watercourse on in-by land, which has a bed width of not less than 0.3 metres and which generally carries water away from surrounding land or field drainage systems throughout the year;”;

(b) after the definition of “livestock unit” insert–

““local Access Officer” means an Access Officer employed by a local authority or if within a National Park by the relevant National Park authority;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^(a);” and

(c) after the definition of “muirburn” insert–

““National Park authority” means a devolved public body that is a National Park authority, within the meaning of section 35 of the National Parks (Scotland) Act 2000^(b);”.

ROSS FINNIE

A member of the Scottish Executive

Pentland House,
Edinburgh
20th April 2006

(a) 1994 c.39.
(b) 2000 asp 10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005 (S.S.I. 2005/225), which implement Articles 9, 22, 23, 24, 30 and 33 of Council Regulation (EC) No. 1257/1999 ((O.J. No. L 160, 26.06.99, p.80) as amended by Commission Regulation (EC) No. 1783/2003 (O.J. No. L 270, 21.10.03, p.70), the Act of Accession (O.J. No. L 236, 23.9.03, p.33), Council Regulation (EC) No. 567/2004 (O.J. No. L 90, 27.3.04, p.1) and Council Regulation (EC) No. 583/2004 (O.J. No. L 153, 30.4.04, p.30)) on support for rural development from the European Agricultural Guidance and Guarantee Fund.

The Regulations amend certain options under the Land Management Contracts Menu Scheme in relation to the scheme activities and eligibility conditions (regulations 2 and 4). The amendments also update the reference to dates to the relevant scheme years (regulation 4). They also introduce a number of relevant definitions (regulation 5).

The Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005 provide for payment of aid to be made to any person who enters into an undertaking with the Scottish Ministers to carry out, or as the case may be to carry out and maintain, the activities relevant to at least one of the Menu Options set out in Schedule 1 those Regulations and to comply with the general environmental requirements set out in Schedule 2 to those Regulations.

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