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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 414**

**AGRICULTURE**

**The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007**

*Made* - - - - 5th September 2007  
*Laid before the Scottish Parliament* - - - - 6th September 2007  
*Coming into force* - - 30th September 2007

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1), and all other powers enabling them to do so:

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007 and shall come into force on 30th September 2007.

**Amendments to the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005**

2. The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005(2) are amended in accordance with regulations 3 and 4.

**Amendment of regulation 2(1) (interpretation)**

3. In regulation 2(1) (interpretation)–

(a) after the definition of “Council Regulation 1251/1999” insert–

““Council Regulation 1698/2005”(3) means Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for

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(1) 1972 c. 68 . Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 and by the Legislative and Regulatory Reform Act 2006 (c.51) section 27(1)(a).  
(2) S.S.I. 2005/143 as amended by S.S.I. 2005/257.  
(3) O.J. No. L 277, 21.10.2005, p.1.

Rural Development, as amended by Commission Regulation (EC) No. 1974/2006(4) and Commission Regulation (EC) No. 1975/2006(5);” and

- (b) in the definition of “Council Regulation 1782/2003” for “and Commission Regulation (EC) No. 118/2005(6)” substitute “, Commission Regulation (EC) No. 118/2005 and Council Regulation (EC) No. 378/2007(7)”.

**Amendment of regulation 10 (additional modulation)**

4.—(1) In regulation 10(2), in the definition of “the relevant purposes”–

- (a) after “means” insert “(a)”; and  
(b) at the end of the definition add

“and

- (b) the purposes of any payment made pursuant to any measure which implements any provisions of Articles 20 to 33 inclusive (measures improving the competitiveness of the agricultural and forestry sector), Articles 36 to 49 inclusive (measures improving the environment and the countryside), Articles 52 to 59 inclusive (measures as to the quality of life in rural areas and diversification of the rural economy) and Articles 61 to 65 (Leader) of Council Regulation 1698/2005;”.

(2) In regulation 10(2), in the definition of “the specified proportion”–

- (a) in paragraph (a), omit “and”; and  
(b) after paragraph (b) add–  
“  
(c) in respect of 2007, 5%;  
(d) in respect of 2008, 8%;  
(e) in respect of 2009, 8.5%;  
(f) in respect of 2010, 9%;  
(g) in respect of 2011, 9%; and  
(h) in respect of 2012, 9%.”.

St Andrew’s House,  
Edinburgh  
5th September 2007

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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(4) O.J. No. L 368, 23.12.2006, p.15.  
(5) O.J. No. L 368, 23.12.2006, p.74.  
(6) Inserted by [S.S.I. 2005/257](#).  
(7) O.J. No. L 95, 5.4.2007, p.1.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2005 (“the principal Regulations”).

Regulation 3 updates references to Community instruments in the principal Regulations at regulation 2(1) to refer to Commission Regulation (EC) No. 1698/2005 (“Commission Regulation 1698/2005”) and Council Regulation (EC) No. 378/2007 (“Council Regulation 378/2007”).

Regulation 4(1) amends regulation 10(2) of the principal Regulations to extend the definition of relevant purposes for which sums deducted by Scottish Ministers from the total amount which would have been granted to the farmer may be applied, to include purposes now specified in Commission Regulation 1698/2005. Regulation 4(2) specifies the proportions of the sums that may be deducted by Scottish Ministers for the years 2007 to 2012, as permitted by Council Regulation 378/2007.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.