
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 439

**The Less Favoured Area Support
Scheme (Scotland) Regulations 2007**

Enterprise mix

11.—(1) Subject to paragraphs (2), (3) and (4), where one of the hectare multipliers contained in the second column of Schedule 6 to the 2005 Regulations, under regulation 11 of those Regulations, applied to the Scheme 2006 payment of the applicant, the payable area calculated in accordance with regulation 9 is adjusted in accordance with the following formula:—

$$P_1 = P_2 \times Z$$

Where—

P_1 is the payable area adjusted in accordance with this regulation;

P_2 is the payable area calculated in accordance with regulation 9; and

Z is the multiplier contained in the second column of Schedule 6 to the 2005 Regulations, under regulation 11 of those Regulations which applied to the Scheme 2006 payment of the applicant.

(2) Where an applicant has not received a Scheme 2005 payment and a Scheme 2006 payment of less favoured area support, the hectare multiplier for the purposes of the formulae at paragraph (1) is the hectare multiplier contained in the second column of Schedule 6 to the 2005 Regulations, under regulation 11 of those Regulations, which applied for the purposes of the Scheme 2006 payment of the person who was the applicant in respect of the land in question, under the 2005 Regulations.

(3) Where an applicant received a Scheme 2005 payment, but did not receive a Scheme 2006 payment, the hectare multiplier for the purposes of the formulae at paragraph (1) is the multiplier contained in the second column of Schedule 2 to the 2004 Regulations, under regulation 11 of those Regulations, which applied for the purposes of the Scheme 2005 payment of the applicant.

(4) Where the hectare multiplier for the purposes of the Scheme 2006 payment of either—

(a) the applicant under these Regulations; or

(b) where paragraph (2) applies, the person who was the applicant in respect of the land in question under the 2005 Regulations,

was unrepresentative of the usual enterprise mix of the applicant, due to the culling of stock on the land in question in the context of the control of an outbreak of an epizootic disease during or prior to 2004, the applicant may request that Scottish Ministers make a decision determining the hectare multiplier contained in second column of Schedule 6 to the 2005 Regulations to be used for the purposes of the formula at paragraph (1).