
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 439

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

Eligible land

6.—(1) Subject to paragraphs (2) and (3), eligible land comprises the number of hectares of forage area in a less favoured area with a less favoured area support grazing category value attributed to it by 31st December 2006, as declared by the applicant in a single application submitted by the applicant in accordance with article 11 of Council Regulation 796/2007 to the Scottish Ministers on or before 15th May in the Scheme Year for which the payment is to be made.

(2) Where an applicant has not received a Scheme 2005 payment and a Scheme 2006 payment of less favoured area support, to be eligible, not less than 3 hectares of the land declared must also have been declared in a single application submitted to the Scottish Ministers on or before 15th May 2005, by an applicant under the 2006 Scheme who received a Scheme 2006 payment in respect of the land in question.

(3) Only land which has been declared in a single application in the Scheme Year to which the payment relates as having one of the land use codes in Schedule 1 qualifies as eligible land.

(4) Eligible land includes land in respect of which the applicant has a right of use pursuant to arrangements such as short term lets, seasonal grazing and common grazing.

(5) Subject to paragraph (6) where the Scottish Ministers determined for the purposes of the Scheme 2006 payment the number of eligible forage hectares in accordance with regulation 6(4) of the 2005 Regulations, in respect of land also declared in accordance with paragraph (1), the area deemed ineligible under the 2005 Regulations shall also be deducted from the area of eligible land determined in accordance with paragraph (1).

(6) If the ineligible area referred to in paragraph (5) related to a holding for the purposes of the 2005 Regulations which was subsequently sub-divided and is declared in accordance with paragraph (1) by more than one applicant, the Scottish Ministers shall determine the share of the ineligible area to be deducted from the eligible hectares of each applicant who did not receive a Scheme 2006 payment.