

SCHEDULE 1

Regulation 2(5)

INTERPRETATION OF SCHEDULES

In Schedules 2, 3 and 4 and in this Schedule—

“the 1994 Regulations” means the Organic Aid (Scotland) Regulations 1994(1);

“the 2004 Regulations” means the Organic Aid (Scotland) Regulations 2004(2);

“alpaca” means any alpaca of any breed which are kept by way of business for the primary purpose of fibre production;

“ancient wood pasture” means land currently listed in, and land which is a candidate for listing in, the “Inventory of Ancient Wood Pasture in Scotland” as maintained by Scottish Natural Heritage(3);

“arable crops” means cereals, linseeds, oilseed, root crops, fruit crops or protein crops, including vining peas;

“arable land” means land which was in an arable crop (or under set aside or lying fallow as part of a normal crop rotation) in one or more years during the five years prior to the 15th May in the year of submission of the application for aid;

“beetlebank” means a grass strip between 1.5 metres and 6 metres created in the margin of or through an arable field in order to allow beneficial insects to over-winter;

“bio-bed” means a shallow excavation filled with biomass;

“breeding cow” means a cow that forms part of a herd either used for rearing calves for meat production or used for milk production and which has borne a calf;

“coastal heath” means land bordering the sea containing moorland or species-rich grassland affected by salt spray and exposure;

“Council Regulation 2092/91” means Council Regulation (EEC) No. 2092/1991 on organic production of agricultural products and indications thereto on agricultural products and foodstuffs as amended from time to time(4);

“cropped machair” means sandy plains formed when calcareous shell-sand has been blown over glacial deposits and peat and which has been subject to cultivation within the last 10 years;

“designed landscape” means a garden or a landscape, including parkland policy grassland, which is included in a record, recognised by the Scottish Ministers, of existing historic gardens and designed landscapes;

“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;

“ewe” means a female sheep which is at least one year old on the 1st of January preceding the application for aid and which is kept in a breeding flock;

“European site” has the meaning given in regulation 10 of the Conservation (Natural Habitats &c.) Regulations 1994(5);

(1) S.I.1994/1701 as amended by S.I. 1996/3083 and 1999/107.

(2) S.S.I 2004/143 as amended by S.S.I. 2004/174 and 2005/619.

(3) Scottish Natural Heritage was established under section 1 of the Natural Heritage (Scotland) Act 1991 (c. 28).

(4) O.J. No. L 198, 22.07.1991, p.1. The last amending instrument at the making of these Regulations was Commission Regulation (EC) No. 123/2008, O.J. No. L 38, 13.02.2008, p.3. Recent amendments and a consolidated version are available online from the Department for Environment and Rural Affairs at www.defra.gov.uk/farm/organic/standards.

(5) S.I. 1994/2716. Regulation 10 was relevantly amended by S.S.I. 2004/475.

Status: This is the original version (as it was originally made).

“farmed deer” means any deer (of any species) which are managed on a holding enclosed by a deer-proof barrier and are kept on the holding by way of business for the primary purpose of the production of meat;

“floodplain” means eligible land adjacent to a watercourse which is subject to flooding in times of high water level;

“formally in conversion” means that the necessary formal written consent has been obtained by the applicant from an organic certification body that the land is in conversion;

“full organic certification” means certification from an organic certification body that the land is fully organic;

“fully organic” means land which is farmed in accordance with Council Regulation 2092/91 and the Organic Standards Compendium which has been certified as fully organic by an organic certification body;

“goat” means any goat (of any species) which is kept by way of business for the purposes of fibre, meat or milk production;

“grass margin” means a grass strip between 1.5 metres and 6 metres created in the margin of or through an arable field in order to allow beneficial insects to over-winter;

“HAP” means a Habitat Action Plan which is part of the UK Biodiversity Action Plan(6);

“hedge” means a line of shrubs or trees which delineate field boundaries;

“herd” means two or more breeding cows of either pure-bred or first cross native or traditional breed;

“IACS business” means a business registered on the Integrated Administration and Control System run by the Scottish Government Rural Payments and Inspections Directorate and given a unique business reference number;

“improved grassland” means either land used for grazing (other than arable land) where over one third of the sward comprises, singly or in mixture, ryegrass, cocksfoot or timothy, or land that has been improved by management practices such as liming and top dressing, where there is not a significant presence of sensitive plant species indicative of native unimproved grassland;

“in-bye land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;

“indicator species” means the following:–

- Yarrow (*Achillea millefolium*);
- Lady’s Smock (*Cardamine pratensis*);
- Marsh Thistle (*Cirsium palustre*);
- Tufted Hair-grass (*Deschampsia caespitosa*);
- Waxy Hair-grass (*Deschampsia flexuosa*);
- Cat’s-ear (*Hypochaeris radicata*);
- Wood-rush (*Luzula* spp.);
- Black Medick (*Medicago lupulina*);
- Selfheal (*Prunella vulgaris*);
- Common sorrel (*Rumex acetosa*);
- Gorse (*Ulex europaeus*);
- Germander Speedwell (*Veronica chamaedrys*);

(6) The UK Biodiversity Plan was published in 1994 and has a dedicated website, www.ukbap.org.uk.

“injurious weeds” means spear thistle, creeping or field thistle, curled dock, broadleaved dock, and common ragwort;

“Less Favoured Area” has the same meaning as in regulation 2(1) of the Less Favoured Area Support Scheme (Scotland) Regulations 2007(7);

“livestock” means bovine, ovine, caprine, alpaca and farmed deer;

“livestock unit” means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:–

- (a) one cow (including suckling calves);
- (b) one unit of cattle, other than a cow, aged 24 months and over;
- (c) 1.66 cattle, other than cows, aged over 6 months but less than 24 months;
- (d) 6.66 ewes (including suckling lambs);
- (e) 6.66 sheep, other than ewes;
- (f) 6.66 goats;
- (g) 2.5 adult stags farmed deer aged 27 months and over;
- (h) 3.33 hinds farmed deer (including suckling calves) aged 27 months and over;
- (i) 5 juvenile farmed deer, aged over 6 months but less than 27 months;
- (j) 3.33 alpacas;

“local ranger or access officer” means a ranger or access officer employed by SNH or a local authority or, if within a National Park, by the relevant Park Authority;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(8);

“local development strategy” means a coherent set of projects, contracts or arrangements or other actions to meet local objectives and needs implemented in partnership at the appropriate level allowing achievement of the objective of improving the quality of life in rural areas and encouraging diversification of economic activity and encompassing one or more of the measures under Article 52 of Council Regulation 1698/2005;

“locally distinctive built boundary features” means the following – earthen and turf banks, ha has, parkland fencing, walled garden walls, bridges, gateposts, gatepiers, mounting stands, mile markers and stone stiles;

“lowland heath” means land generally found below 300 metres in altitude, usually characterised by plants such as heather, dwarf grass and cross based heath; amongst the heather layer, there are generally scattered areas of trees and scrub;

“lowland raised bog” means an isolated peat deposit over one metre thick that is surrounded by non peat soils;

“machair” means sandy plains formed when calcareous shell sand has been blown over glacial deposits and peat but does not include cropped machair;

“moorland” means land with predominantly semi natural upland vegetation or comprising predominantly rock outcrops and semi natural upland vegetation, which is used for rough grazing;

“muirburn” has the same meaning as in section 39(1)(f) of the Hill Farming Act 1946(9);

(7) [S.S.I. 2007/439](#).

(8) [1994 c. 39](#). Section 2 was amended by the Environment Act [1995 \(c. 25\)](#), Schedule 22, paragraph 232.

(9) [1946 c. 73](#) (9 & 10 Geo. 6).

Status: This is the original version (as it was originally made).

“NSA” means a national scenic area defined as such in part 11 of “Scotland’s Scenic Heritage” published by the Countryside Commission for Scotland on 26th April 1978**(10)**;

“National Park” means an area designated as such under section 2 of the National Parks (Scotland) Act 2000**(11)**;

“Nitrates Action Programme” means the action programme set out in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003**(12)**;

“nitrate vulnerable zone” means any area designated as a nitrate vulnerable zone by regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002**(13)** and regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002**(14)**;

“native woodland” means self seeded woodland of native species or woodland derived from an originally naturally occurring woodland;

“organic certification body” means a private inspection body which holds a current approval under Article 9 (national inspection system for organic farming) of Regulation 2092/91 from the Scottish Ministers;

“organic production” means land which is farmed in accordance with Council Regulation 2092/91 as read with any additional provisions as set out in the Organic Standards Compendium;

“organic production unit” means land, other than a common grazing, which is fully organic;

“Organic Standards Compendium” means the Compendium of UK Organic Standards published by the Department of Environment, Food and Rural Affairs**(15)**;

“organic viability proposal” means a proposal outlining how land will be converted to organic production as approved by an organic certification body;

“outcomes of the SRDP” means the 5 main outcomes for rural development in Scotland as set out in the 2007 to 2013 Rural Development Programme for Scotland approved under Council Regulation 1698/2005 by the European Commission describing the measures arising out of Council Regulation 1698/2005 which will apply to Scotland over the period 2007 to 2013;

“overgrazing” means grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree;

“poaching” means the trampling or treading of the ground surface by livestock resulting in permanent damage to the vegetation;

“potential SPA” means a site identified by Scottish Ministers as potentially qualifying for special protection area classification and for which a decision to classify has yet to be taken pending consultation by SNH**(16)**;

“rough grazings” means land containing semi natural vegetation including heathland, heather moorland, bog and rough grassland used or suitable for use as grazing;

(10) A map showing the National Scenic Areas is available online at www.scotland.gov.uk/Topics/Environment/Countryside/Heritage.

(11) 2000 asp 10.

(12) S.S.I. 2003/51 as amended by S.S.I. 2003/169.

(13) S.S.I. 2002/276 as amended by S.S.I. 2005/305.

(14) S.S.I. 2002/546.

(15) The latest publication of the Organic Standards Compendium was published September 2006 and is available from defra online at www.defra.gov.uk/farm/organic or from Nobel House, 17 Smith Square, London SW1P 3JR.

(16) A list of SPAs and potential SPAs is maintained by SNH and can be obtained online at www.snh.gov.uk or by contacting SNH at Great Glen House, Leakin Road, Inverness IV3 8NN. Potential SPAs are listed as “at consultation stage”.

“rural community group” means a community group which has a written constitution and which holds a bank account for the benefit of that group and whose membership is drawn from a rural settlement;

“rural settlement” means a settlement which has a population of less than 3000 according to the Scottish Executive Urban Rural Classification 2003-2004(17);

“scrub” means low growing woody vegetation of small trees and shrubs including linear scrub along field margins and includes all stages from scattered bushes to closed canopy vegetation dominated by locally native shrubs or tree saplings usually less than 5 metres tall occasionally with a few scattered trees, carr, scrub in the uplands and lowlands (including wood edge habitats), montane scrub and coastal scrub are included;

“SAC” means a special area of conservation designated as such pursuant to regulation 8 of the Conservation (Natural Habitats &c.) Regulations 1994(18);

“SAP” means a Species Action Plan which is part of the UK Biodiversity Action Plan(19);

“SEPA” means the Scottish Environment Protection Agency;

“small unit” means an agricultural business with no more than 20 hectares of in by land;

“SNH” means Scottish Natural Heritage;

“SPA” means a special protection area being an area classified as such pursuant to Article 4(1) or (2) of Council Directive 79/409/EEC on the conservation of wild birds;

“species-rich grassland” means in-by land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute rough grazing, but which is floristically diverse;

“SSSI Site” means a site of special scientific interest within the meaning of section 3(6) or of Schedule 5 to the Nature Conservation (Scotland) Act 2004(20);

“the Treaty” means the Treaty establishing the European Community;

“the UK Forestry Standard” means the UK Forestry Standard: the government’s approach to sustainable forestry published by the Forestry Commission(21);

“undergrazing” means grazing at a level where there is evidence of the annual growth not being fully utilised or scrub or coarse vegetation is becoming evident and such changes are detrimental to the environmental interest of the site;

“unimproved grassland” means in-by land used for grazing or mowing which is not normally treated with mineral fertiliser or lime and does not constitute either improved grassland or rough grazings;

“vegetable and fruit land” means land used for growing vegetable and fruit;

“water margin” means an area of in-by land bordering an area of still or flowing water;

“wetland” means in by ground which is normally saturated with water for a significant proportion of the year; and

“young farmer” means a person who at the time of submitting the application for aid is under 40 years of age.

(17) The Scottish Executive Urban Rural Classification is available online at www.scotland.gov.uk/publications or by contacting Rural Directorate, Pentland House, Robb’s Loan, Edinburgh, EH14 1TY.

(18) S.I. 1994/2716. A list of the sites can be obtained from SNH online at www.snh.org.uk or from SNH area offices.

(19) The UK Biodiversity Action Plan was published in January 1994 and has a dedicated website, www.ukbap.org.uk.

(20) 2004 asp 6.

(21) The latest edition of this publication is the 2nd Edition published 2004, ISBN 0855386266 and copies are available online at www.forestry.gov.uk or from Forestry Commission Publications, PO Box 25, Wetherby, West Yorkshire, LS23 7EW.

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