

EXECUTIVE NOTE

THE RURAL DEVELOPMENT CONTRACTS (LAND MANAGERS OPTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2009 SSI/2009/155

Introduction

The above Regulations (“the 2009 Regulations”) are made in exercise of powers conferred by section 2(2) of the European Communities Act 1972. They amend the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008 (SSI 2008/159) (“the 2008 Regulations”) and insert a new option to Schedule 2 to the 2008 Regulations. The 2008 Regulations allow Scottish Ministers to pay European and national funds from the Scotland Rural Development Programme (“SRDP”) to beneficiaries of Land Managers Options (“LMOs”). These Regulations are subject to the negative Parliamentary procedure.

Policy Objectives

The purpose of the 2009 Regulations is to implement changes made to the Scotland Rural Development Programme 2007 – 2013. Confirmation of the European Commission’s approval of the changes was given on 17 April 2009.

The changes add a new option, the Animal Welfare Management Programme. The aim of this option is to make significant improvements to the welfare of Scottish livestock. This is to be achieved by planning and implementing actions that involve at least one of the five EU requirements for welfare payments which are:

- Providing water and feed closer to natural needs
- Improving housing conditions
- Increasing outdoor access
- Reducing the use of mutilations
- Preventing pathologies mainly determined by farming practices or keeping conditions.

Schedule 2 of the 2008 Regulations is amended to add the Animal Welfare Management Programme option.

The Regulations also add three additional quality assurance schemes to the list of schemes at option 8 to Schedule 2 of the 2008 Regulations. These are:

QMS Quality Meat Assurance Scheme – Cattle and Sheep
QMS Quality Meat Assurance Scheme – Pigs
Scottish Quality Farm Assured Combinable Crops Scheme.

In addition, the 2009 Regulations insert a number of new definitions into the 2008 Regulations, including a definition of the new Council Regulation (EC) No. 73/2009 which supersedes Commission Regulation (EC) No. 1782/2003 and removing the definition of Commission Regulation (EC) No. 1782/2003.

Background

The European priorities for 2007-13 are laid down in the Rural Development Regulation (Council Regulation (EC) 1698/2005). The SRDP including LMOs is designed to deliver outcomes to achieve these priorities in Scotland.

LMOs are non-competitive. There is no approval process and hence no approval letter issued. Each participant is limited to a maximum allowance (for LMOs and any continuing Land Management Contracts Menu Scheme commitments) based on the amount of land in their Single Application. Any land manager with land in Scotland can apply. Applicants must be registered with the Scottish Government's Integrated Administration and Control System (IACS) and have a business reference number (BRN).

All applicants must submit a LMO application form by 15 May. We can accept applications but will not process them ahead of the Regulations coming into force. Potential applicants were sent LMO guidance about these new activities on 8 April 2009 so that they may choose them as part of their 2009 LMO application which has a deadline for applications of 15 May, the same as the Single Application deadline.

In addition, all participants must submit a Single Application and complete the LMO details on the Single Application Field Data Sheet. Commitments start from the application submission deadline and payments are made from the end of the scheme year the following May. Land based options are paid automatically and a claim must be submitted for other options by 31 August following the end of the scheme year.

Consultation

These activities were part of the original SRDP submitted to the European Commission following consultation with stakeholders. The activities were removed for redrafting to allow the SRDP to be approved in February 2008. Stakeholders were consulted and involved in the redrafting of the Animal Welfare Management Programme option and it was resubmitted to the Commission as part of a modification last summer but only approved in early April 2009.

Financial Effects

The instrument uses funding which the Scottish Government and the European Commission have allocated to the Rural Development Contracts under the SRDP. We foresee no increase in costs to the Scottish Government, local government, or business. We have therefore not carried out a Regulatory Impact Assessment.

Rural Payments and Inspections Directorate
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