
Status: Point in time view as at 01/01/2012.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2009 (revoked). (See end of Document for details)

SCOTTISH STATUTORY INSTRUMENTS

2009 No. 391

AGRICULTURE

The Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross- Compliance) (Scotland) Amendment Regulations 2009

Made - - - - 9th November 2009

Laid before the Scottish

Parliament - - - - 11th November 2009

Coming into force in accordance with regulation 1(2)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1} and of all other powers enabling them to do so.

Marginal Citations

M1 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#), [Schedule 8](#), paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. For the purposes of implementing Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (O.J. No. L 30. 31.01.2009) that competence was modified by the [Scotland Act 1998 \(Modification of Functions\) Order 2004 \(S.I. 2004/2980\)](#) and the [Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 2004 \(S.I. 2004/3324\)](#).

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2009.

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(2) These Regulations shall come into force on 1st December 2009, except for regulation 18 which comes into force on 1st January 2010.

PART 2

AMENDMENTS TO THE COMMON AGRICULTURAL POLICY SINGLE FARM PAYMENT AND SUPPORT SCHEMES (SCOTLAND) REGULATIONS 2005

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

^{F1}2.

F1 Regs. 2-14 revoked (1.1.2012) by [The Common Agricultural Policy Single Farm Payment and Support Schemes \(Scotland\) Regulations 2011 \(S.S.I. 2011/416\)](#), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 2

^{F1}3.

F1 Regs. 2-14 revoked (1.1.2012) by [The Common Agricultural Policy Single Farm Payment and Support Schemes \(Scotland\) Regulations 2011 \(S.S.I. 2011/416\)](#), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

^{F1}4.

F1 Regs. 2-14 revoked (1.1.2012) by [The Common Agricultural Policy Single Farm Payment and Support Schemes \(Scotland\) Regulations 2011 \(S.S.I. 2011/416\)](#), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 3

^{F1}5.

F1 Regs. 2-14 revoked (1.1.2012) by [The Common Agricultural Policy Single Farm Payment and Support Schemes \(Scotland\) Regulations 2011 \(S.S.I. 2011/416\)](#), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 5

^{F1}6.

F1 Regs. 2-14 revoked (1.1.2012) by [The Common Agricultural Policy Single Farm Payment and Support Schemes \(Scotland\) Regulations 2011 \(S.S.I. 2011/416\)](#), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 9

^{F1}7.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 10

F1 8.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 19

F1 9.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 20

F1 10.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to regulation 22

F1 11.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Amendment to Schedule 4

F1 12.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Revocations and savings

F1 13.

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

Status: Point in time view as at 01/01/2012.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2009 (revoked). (See end of Document for details)

Insertion of new Schedule 6

^{F1}**14.**

F1 Regs. 2-14 revoked (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 3** (with reg. 14(2)(3))

PART 3

AMENDMENTS TO THE COMMON AGRICULTURAL POLICY SCHEMES (CROSS COMPLIANCE) (SCOTLAND) REGULATIONS 2004

Amendment to the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004

^{F2}**15.**

F2 Regs. 15-18 revoked (1.1.2012) by The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011 (S.S.I. 2011/415), regs. 1, **12(e)**

Amendment to regulation 2

^{F2}**16.**

F2 Regs. 15-18 revoked (1.1.2012) by The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011 (S.S.I. 2011/415), regs. 1, **12(e)**

Amendment to the Schedule

^{F2}**17.**

F2 Regs. 15-18 revoked (1.1.2012) by The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011 (S.S.I. 2011/415), regs. 1, **12(e)**

Insertion of new paragraph 19

^{F2}**18.**

F2 Regs. 15-18 revoked (1.1.2012) by The Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011 (S.S.I. 2011/415), regs. 1, **12(e)**

St Andrew's House,
Edinburgh

RICHARD LOCHHEAD
A member of the Scottish Executive

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 2005 Regulations”) and the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 (“the 2004 Regulations”), together, “the principal Regulations.”

They implement Council Regulation (EC) No. 73/2009 which repeals Council Regulation (EC) No. 1782/2003 and establishes common rules for direct support schemes for farmers and establishes certain support schemes for farmers.

The regulations also update references to Community instruments in the principal Regulations. Regulation 3(e) updates the definition of “direct payment” to cover any payment granted under any Scheme listed in Annex I. It also updates the definition of “eligible hectare.”

Regulation 6 prescribes the minimum size of a holding in respect of which direct payments may be claimed.

Regulation 7 confirms the relevant date upon which eligible land must be at the farmer's disposal for the purposes of claiming direct payments to be 15th May.

Regulation 8 amends regulation 10(2) of the 2005 Regulations and makes provision for the rates of Member State Modulation to be applied. In particular, it specifies the proportion of the sums that may be deducted by Scottish Ministers for the years 2009 to 2012. The effect of the amendment is that modulation is now applied at a variable rate on the total figure for direct payments received, irrespective of Scheme. The percentage rate to be applied is determined according to a direct payment threshold.

Regulation 9 updates the definition of “Scheme payment”.

Regulation 11 exercises the derogation contained in Article 72(3) of Council Regulation 73/2009 to allow payment in accordance with the measures applicable under Article 69 of Council Regulation 1782/2003.

Regulation 13 contains revocation and savings provisions.

Regulation 16 specifies that the term “abstraction” is to be defined in terms of existing domestic legislation.

Regulation 17 exempts land managed under certain agri-environmental schemes from GAEC measures regarding encroachment of vegetation in certain circumstances.

Regulation 18 amends the 2004 Regulations by inserting a new compulsory GAEC standard regarding the abstraction of water for irrigation which will come into effect on 1st January 2010.

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

Status:

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Changes to legislation:

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