
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 73

**The Less Favoured Area Support Scheme
(Scotland) Amendment Regulations 2011**

Amendment of regulation 10

7. In regulation 10 (enterprise mix)—

- (a) in paragraph (1) for “Subject to paragraphs (2) and (3)” substitute “Subject to paragraphs (2), (3), (4) and (5)”;
- (b) for paragraph (3) substitute—

“(3) Where the hectare multiplier contained in the second column of Schedule 8 to be used for the purposes of the formula in paragraph (1) is, in the opinion of the applicant, unrepresentative of the usual enterprise mix of the applicant, as a result of the culling of cattle on the land in question in the context of the control of an outbreak of an epizootic disease—

- (a) during 2009; or
- (b) where the applicant did not submit a single application or claim less favoured area support in or prior to 2009, the first year of application,

the applicant may request that the Scottish Ministers determine that either of the hectare multipliers contained in the second column of Schedule 8 be used for the purposes of the formula in paragraph (1).”; and

(c) after paragraph (3) insert—

“(4) Where less than 10% of the livestock units of the applicant calculated in accordance with regulation 9(4) and Parts I and II of Schedule 4 are cattle but that is, in the opinion of the applicant, the result of the culling of cattle on the land in question in the context of the control of an outbreak of epizootic disease—

- (a) during 2009; or
- (b) where the applicant did not submit a single application or claim less favoured area support in or prior to 2009, the first year of application,

the applicant may request that the Scottish Ministers treat the application as if paragraph (1) applied.

(5) Following a request made under paragraph (4), the Scottish Ministers may—

- (a) treat the application as if paragraph (1) applied; and
- (b) determine that either of the hectare multipliers contained in the second column of Schedule 8 be used for the purposes of the formula in paragraph (1).”.