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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 185**

**The Less Favoured Area Support Scheme  
(Scotland) Amendment Regulations 2015**

**Amendment of the Less Favoured Area Support Scheme (Scotland) Regulations 2010**

3. In regulation 2(1) (interpretation)—
- (a) after the definition of “alpaca” insert—

““applicable year” is to be construed in accordance with regulation 9(8);”;
  - (b) the definition of “area aid application” is omitted;
  - (c) for the definition of “competent authority” substitute—

““competent authority”—

    - (a) in relation to a Scheme Year commencing before 1st January 2015, has the same meaning as in regulation 3 of the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009<sup>(1)</sup>; and
    - (b) in relation to a Scheme Year commencing on or after 1st January 2015, has the same meaning as it has in regulations 2(1) and 3 of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014<sup>(2)</sup>”;
  - (d) for the definition of “cross compliance” substitute—

““cross-compliance”—

    - (a) in relation to a Scheme Year commencing before 1st January 2015, has the same meaning as it has for the purposes of Article 5 and Annex II and Article 6 and Annex III of Council Regulation 73/2009<sup>(3)</sup>; and
    - (b) in relation to a Scheme Year commencing on or after 1st January 2015, has the same meaning as it has for the purposes of Articles 93 and 94 and Annex II of the Horizontal Regulation<sup>(4)</sup>”;
  - (e) after the definition of “designated maps” insert—

““Direct Payments Regulation” means Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009, as amended from time to time<sup>(5)</sup>”;

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(1) [S.I. 2009/3263](#), which was revoked subject to savings by [S.I. 2014/3263](#).

(2) [S.I. 2014/3263](#).

(3) OJ L 30, 31.1.2009, p.16, as last amended by Commission Delegated Regulation (EU) No 994/2014 (OJ L 280, 24.9.2014, p.1). Council Regulation 73/2009 was repealed subject to savings by Article 72 of the Direct Payments Regulation.

(4) The standards for good agricultural and environmental condition are set out in regulation 3(2) of, and Part 2 of the Schedule to, the Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 ([S.S.I. 2014/325](#), as amended by [S.S.I. 2015/58](#)).

(5) OJ L 347, 20.12.2013, p.608, as last amended by Commission Delegated Regulation (EU) No 1378/2014 (OJ L 367, 23.12.2014, p.16).

- (f) after the definition of “forage area” insert—  
 ““force majeure or exceptional circumstances” is to be construed in accordance with Article 2(2) of the Horizontal Regulation;”;
- (g) for the definition of “holding” substitute—  
 ““holding”—  
 (a) in relation to a Scheme Year commencing before 1st January 2015, has the same meaning as it has for the purposes of Article 2(b) of Council Regulation 73/2009; and  
 (b) in relation to a Scheme Year commencing on or after 1st January 2015, has the same meaning as it has in Article 4(1)(b) of the Direct Payments Regulation;”;
- (h) after the definition of “holding” insert—  
 ““Horizontal Delegated Regulation” means Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(6), as amended from time to time;  
 “Horizontal Implementing Regulation” means Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(7), as amended from time to time;  
 “Horizontal Regulation” means Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008(8), as amended from time to time;”;
- (i) after the definition of “Scheme 2014 payment”(9) insert—  
 ““Scheme 2015 payment” means the sum to which the applicant is entitled in respect of the period 1st January 2015 to 31st December 2015;  
 “Scheme 2016 payment” means the sum to which the applicant is entitled in respect of the period 1st January 2016 to 31st December 2016;  
 “Scheme 2017 payment” means the sum to which the applicant is entitled in respect of the period 1st January 2017 to 31st December 2017;”;
- (j) for the definition of “single application” substitute—  
 ““single application” —  
 (a) in relation to a calendar year prior to 2015, has meaning given in Article 2(11) of Commission Regulation 1122/2009(10); and  
 (b) in relation to the calendar year 2015 or a later year, means an application for direct payments (within the meaning of Article 1 of the Direct Payments

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(6) OJ L 181, 20.6.2014, p.48.

(7) OJ L 227, 31.7.2014, p.69.

(8) OJ L 347, 20.12.2013, p.549, as amended by Regulation (EU) No 1310/2013 (OJ L 347, 20.12.2013, p.865).

(9) That definition was inserted by S.S.I. 2014/7.

(10) OJ L 316, 2.12.2009, p.65, as last amended by Commission Regulation (EU) No 426/2013 (OJ L 127, 9.5.2013, p.17). Commission Regulation 1122/2009 was repealed subject to savings by Commission Delegated Regulation (EU) No 640/2014, article 43 (OJ L 181, 20.6.2014, p.48).

Regulation) in relation to any of the area-related aid schemes (as defined in point (20) of Article 2(1) of the Horizontal Delegated Regulation);”.