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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**

**9.** In regulation 9 (stocking density outwith the minimum and maximum stocking density parameters)<sup>(1)</sup>—

(a) for paragraphs (4) and (5) substitute—

“(4) For the purpose of regulation 5(1)(a)(ii), regulation 8(4)(c) and paragraphs (1), (2) and (3), the stocking density is to be calculated in accordance with Parts I and II of Schedule 4, using—

- (a) livestock units based on the number of livestock which the Scottish Ministers determine were maintained by the applicant on eligible land in the applicable year; and
- (b) the historic land area.

(5) In determining the number of livestock for the purposes of paragraph (4)(a), the Scottish Ministers must have regard to the livestock numbers declared by the applicant as being maintained by the applicant on eligible land on key dates in the applicable year.”; and

(b) for paragraphs (7) and (8) substitute—

“(7) Where the stocking density calculated in accordance with paragraph (4) was less than the minimum stocking density due to force majeure or exceptional circumstances, the applicant may request that the Scottish Ministers determine the stocking density to be used for the purposes of the formula at paragraph (2).

(8) For the purposes of this regulation and Parts I and II of Schedule 4—

“applicable year” means—

- (a) 2009, in respect of an applicant—
  - (i) who submitted a single application in or prior to 2009; and
  - (ii) to whom paragraph (9) does not apply;
- (b) 2013, in respect of an applicant to whom paragraph (9) applies; or
- (c) the first year of application for less favoured area support, where the applicant did not submit a single application in or prior to 2009; and

“historic land area” means—

- (a) the area of eligible land declared by the applicant in a single application in the applicable year; or
- (b) land comprising the number of hectares of forage in a less favoured area, as declared by the applicant in a single application in relation to 2009 and having one of the land use codes specified in column 2 of Schedule 2 corresponding

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<sup>(1)</sup> Regulation 9 was amended by [S.S.I. 2011/73](#) and [S.S.I. 2012/24](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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to the entry in column 1 of Schedule 2 relating to the use of land, where no less favoured area grazing category was attributed for the purposes of the 2003 Regulations, the 2005 Regulations or the 2007 Regulations, prior to deduction of either or both of—

- (i) any penalty area calculated in accordance with Commission Regulation 1975/2006 or Commission Regulation 65/2011; and
- (ii) any area deducted in accordance with regulation 6(5) of the 2007 Regulations.

(9) This paragraph applies to an applicant—

- (a) who submitted a single application in or prior to 2009 but who did not in 2009—
  - (i) maintain livestock on, or declare an area of, eligible land; or
  - (ii) declare land comprising hectares of forage in a less favoured area; and
- (b) in respect of whom, no stocking density was calculated by the Scottish Ministers for the purposes of a payment of less favoured area support to that applicant in relation to any Scheme Year commencing on or after 1st January 2010 and ending on or before 31st December 2014.”.