

SCHEDULE

Regulation 9

New Schedules 3 and 4 to be inserted into the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

“SCHEDULE 3

Regulation 18A

Voluntary coupled support

PART 1

Voluntary coupled support – bovine animals

Interpretation

1. In this Part—

“applicant” means a farmer whose holding is wholly or partly situated in Scotland and who, at the time of submitting an application, is producing beef or veal in any part of the holding situated in Scotland;

“application” means an application for a Scheme payment under paragraph 2;

“bovine animal” means an animal of the bovine species;

“Cattle Identification Regulations” means the Cattle Identification (Scotland) Regulations 2007(1);

“cattle passport” has the same meaning as in the Cattle Identification Regulations;

“eartag identification code” means the unique identification code for the purposes of Article 4(1) of Regulation 1760/2000 and regulation 5 of and Schedule 1 (ear tags) to the Cattle Identification Regulations;

“eligible bovine animal” has the meaning given in paragraph 3;

“holding”, for the purposes of paragraph 3, means a holding defined in Article 2 of Regulation 1760/2000;

“identification document” has the same meaning as in regulation 2(1) of the Cattle Identification Regulations;

“Regulation 1760/2000” means Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Regulation (EC) No 820/97(2);

“Scheme payment” means a payment by way of coupled support under and in accordance with Chapter 1 of Title IV (voluntary coupled support) of the Direct Payments Regulation; and

“Scheme year” means the calendar year in which a particular application for a Scheme payment is made under paragraph 2.

Application for a Scheme payment

2.—(1) An applicant may, during a calendar year, submit an application to the Scottish Ministers in respect of any eligible bovine animal.

(1) S.S.I. 2007/174, as amended by S.S.I. 2007/312, S.S.I. 2011/412 and S.I. 2011/1043.

(2) OJ L 204, 11.8.2000, p.1, as last amended by Regulation (EU) No 653/2014 (OJ L 189, 27.6.2014, p.33).

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(2) A Scheme payment for a particular Scheme year is to be made in respect of an application made during that Scheme year.

(3) An application is to be made in such form and include such information as may be specified by the Scottish Ministers.

(4) In accordance with Article 3 of the Horizontal Implementing Regulation, an application may be withdrawn in writing in respect of any bovine animal included in that application.

(5) In respect of any bovine animal for which an application is made, that application must include—

- (a) the eartag identification code;
- (b) details concerning the identification document which has been issued in respect of that animal; and
- (c) such other information as the Scottish Ministers may require.

(6) For the purposes of this paragraph, an applicant must have submitted a single application in accordance with these Regulations in the Scheme year.

Eligible bovine animal

3. For the purposes of Article 53 of the Direct Payments Delegated Regulation and this Schedule, an eligible bovine animal means a bovine animal—

- (a) which genetically is at least 75 per cent of a breed of bovine animal other than a breed listed in Schedule 4;
- (b) which was born on the applicant's holding on or after 2nd December 2014 and kept on that holding from birth for a continuous period of at least 30 days; and
- (c) in respect of which the following requirements of the Cattle Identification Regulations have been complied with—
 - (i) regulation 7 and Schedule 3 (cattle passports etc.);
 - (ii) regulation 8 and Schedule 4 (records); and
 - (iii) regulation 6 and paragraph 2 of Schedule 2 (notification of movement).

Scheme payments

4. A Scheme payment to be made in respect of an eligible bovine animal must be determined by the Scottish Ministers in accordance with—

- (a) Article 52(3) of the Direct Payments Regulation;
- (b) Article 52(6) of the Direct Payments Regulation; and
- (c) Article 53(2) of the Direct Payments Delegated Regulation.

PART 2

Voluntary coupled support – ovine animals

Interpretation

5. In this Part—

“applicable requirements” means the requirements in relation to—

- (a) means of identification;

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- (b) replacement means of identification; and
- (c) holding register and movement requirements;

“applicant” means a farmer—

- (a) whose holding is wholly or partly situated in Scotland and who, at the time of submitting an application, is producing sheepmeat on any agricultural areas of any part of the holding situated in Scotland comprising parcels of land in region 3; and
- (b) in respect of any part of whose holding is situated in Scotland—
 - (i) at least 80 per cent of the total agricultural area declared for the purposes of a payment under Chapter 1 of Title III (basic payment scheme) of the Direct Payments Regulation on that farmer’s single application in the Scheme year comprises parcels of land in region 3; and
 - (ii) no more than 200 hectares of that area declared comprises parcels of land in region 1;

“application” means an application for a Scheme payment under paragraph 6;

“eligible ovine animal” has the meaning given in paragraph 7;

“holding”, for the purposes of paragraph 7, means a holding defined in Article 2 of Regulation 21/2004;

“holding register and movement requirements” means the requirements under—

- (a) Articles 5(1), (3) and (5), 6(1) and (3) and 8(2) of Regulation 21/2004; and
- (b) articles 22, 23 and 25 of the Sheep and Goats Order;

“means of identification” means the requirements on the first and second means of identification under—

- (a) Articles 4(1) and (2)(a) and (b) and 9 of, and Sections A.1 to A.4 and A.6 of the Annex to, Regulation 21/2004; and
- (b) articles 5, 30 and 37 of the Sheep and Goats Order,

as read with Article 30(5) of the Horizontal Delegated Regulation;

“ovine animal” means an animal of the ovine species;

“region 1” means the region applied by the Scottish Ministers under and in accordance with Article 23(1) of the Direct Payments Regulation as region 1 of Scotland and comprising parcels of land that are arable land, permanent grassland or temporary grassland other than rough grazing land;

“Regulation 21/2004” means Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC(3);

“replacement means of identification” means the requirements on removal and replacement of the means of identification under Article 4(6) of Regulation 21/2004 and articles 14, 15, 18 and 19 of the Sheep and Goats Order;

“Scheme payment” means a payment by way of coupled support under and in accordance with Chapter 1 of Title IV (voluntary coupled support) of the Direct Payments Regulation;

“Scheme year” means the calendar year in which a particular application is made under paragraph 6; and

(3) OJ L 5, 9.1.2004, p.8, as last amended by Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

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“Sheep and Goats Order” means the Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009⁽⁴⁾.

Application for a Scheme payment

6.—(1) An applicant may, during the period beginning 1st September and ending on 16th October in any calendar year, submit an application to the Scottish Ministers for a Scheme payment in respect of any eligible ovine animal.

(2) A Scheme payment for a particular Scheme year is to be made in respect of an application for a Scheme payment made during that Scheme year.

(3) An application is to be made in such form and include such information as may be specified by the Scottish Ministers.

(4) In accordance with Article 3 of the Horizontal Implementing Regulation, an application may be withdrawn in writing in respect of any ovine animal included in that application.

(5) In respect of any ovine animal for which an application is made, that application must include—

- (a) details concerning the means of identification in respect of that animal; and
- (b) such other information as the Scottish Ministers may require.

(6) For the purposes of this paragraph, an applicant must have submitted a single application in accordance with these Regulations in the Scheme year.

Eligible ovine animal

7. For the purposes of Article 53 of the Direct Payments Delegated Regulation and this Schedule, an eligible ovine animal means an ovine animal—

- (a) which was born on the applicant’s holding;
- (b) which has been kept on that holding from birth and will be kept on that holding during the period beginning on 17th October of the Scheme year and ending on 31st March of the following calendar year;
- (c) which is less than 12 months old on 17th October of the Scheme year; and
- (d) in respect of which the applicable requirements have been complied with.

Scheme payments

8.—(1) Subject to sub-paragraph (2), a Scheme payment to be made in respect of an eligible ovine animal must be determined by the Scottish Ministers in accordance with—

- (a) Article 52(3) of the Direct Payments Regulation;
- (b) Article 52(6) of the Direct Payments Regulation; and
- (c) Article 53(2) of the Direct Payments Delegated Regulation.

(2) A Scheme payment may be made in respect of an eligible ovine animal up to a maximum of one animal for every 4 hectares of agricultural area declared by the applicant for the purposes of a payment under Chapter 1 of Title III (basic payment scheme) of the Direct Payments Regulation on a single application in the relevant Scheme year and comprising parcels of land in region 3.

(4) [S.S.I. 2009/414](#).

SCHEDULE 4

Regulation 18A and Schedule 3, paragraph
3(a)

Ineligible breeds – bovine animals

Armoricaïne;
Australian Lowline;
Ayrshire;
Ayrshire Cross;
Belted Dutch;
Belted Dutch Cross;
Black and White Friesian;
Blue Albion;
Blue Albion Cross;
Bretonne Pie-Noire;
British Friesian;
British Friesian Cross;
British Holstein;
British Holstein Cross;
Brown Swiss;
Brown Swiss Cross;
Cross breed Dairy;
Dairy Shorthorn;
Dairy Shorthorn Cross;
Deutsche Schwarzbunte;
Estonian Red;
Estonian Red Cross;
Fleckvieh;
Fleckvieh Cross;
Française Frisonne Pie-Noire;
Fries Holland;
Friesian;
Friesian Cross;
Frisona Española;
Frisona Española Cross;
Frisona Italiana;
Groninger Blaarkop;
Guernsey;
Guernsey Cross;
Holstein;
Holstein Cross;

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Holstein Friesian;
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Jersey;
Jersey Cross;
Kerry;
Kerry Cross;
Northern Dairy Shorthorn;
Pie-Noire de Belgique;
Red and White Friesian;
Reggiana;
Sortbroget Dansk Malke race;
Swartzbunte Milchrasse;
Swiss Gray;
Swedish Red;
Swedish Red Cross;
Swedish Red Polled;
Swedish Red and White;
Water Buffalo;
Yak;
Zwartbonten van Belge; or
any other dairy breed.”