
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 58

The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015

Interpretation

2.—(1) In these Regulations—

“2009 Council Regulation” means 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, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003^{M1};

[^{F1}“arable land” means land mentioned in Article 4(1)(h) of the Direct Payments Regulation and includes parcels of land which prior to 1st January 2018 were lying fallow and, subject to regulation 5(2)(c), continue to lie fallow on or after that date;]

“area-related aid schemes” has the same meaning as in point (20) of Article 2(1) of the Horizontal Delegated Regulation;

“authorised person” means any person authorised by the Scottish Ministers to act in matters arising under these Regulations or the European Regulations;

“Bank Holiday” means a day specified in paragraph 2 of Schedule 1 to the Banking and Financial Dealing Act 1971^{M2};

[^{F2}“claim year” has the meaning given in section 1(7) of the Direct Payments to Farmers (Legislative Continuity) Act 2020^{M3};

“direct payments” means direct payments within the meaning of Article 1 of the Direct Payments Regulation;

“Direct Payments Delegated Regulation” means Commission Delegated Regulation (EU) No 639/2014 supplementing 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 amending Annex X to that Regulation, as amended from time to time^{M4};

“Direct Payments Implementing Regulation” means Commission Implementing Regulation (EU) No 641/2014 laying down rules for the application of 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, as amended from time to time^{M5};

“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) 73/2009, as amended from time to time^{M6};

“European Regulations” means the Direct Payments Regulation, the Direct Payments Delegated Regulation, the Direct Payments Implementing Regulation, the Horizontal Regulation, the Horizontal Delegated Regulation and the Horizontal Implementing Regulation;

“farmer” has the same meaning as in Article 4(1)(a) of the Direct Payments Regulation;

“holding” has the same meaning as in Article 4(1)(b) of the Direct Payments Regulation;

“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, as amended from time to time ^{M7};

“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, as amended from time to time ^{M8};

“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, as amended from time to time ^{M9};

“permanent grassland” has the same meaning as in Article 4(1)(h) of the Direct Payments Regulation, as construed in accordance with regulation 5;

“region 2” means the region applied by the Scottish Ministers under and in accordance with Article 23(1) of the Direct Payments Regulation as region 2 of Scotland and comprising parcels of rough grazing land located in either—

- (a) an area that is not a less favoured area; or
- (b) an area that is a less favoured area and in respect of which a grazing category of B, C or D has been attributed to it for the purposes of the Less Favoured Area Support Scheme (Scotland) Regulations 2010 ^{M10} (“the 2010 Regulations”), and “less favoured area” is to be construed in accordance with regulation 2(1) of those Regulations;

“region 3” means the region applied by the Scottish Ministers under and in accordance with Article 23(1) of the Direct Payments Regulation as region 3 of Scotland and comprising parcels of rough grazing land located in an area that is a less favoured area and which does not have a grazing category of B, C or D attributed to it for the purposes of the 2010 Regulations;

“rough grazing land” means low yielding herbaceous forage or areas of mixed herbaceous and non-herbaceous forage on low quality soil, unimproved by fertiliser, cultivation or reseeding (or, where it has previously been improved, has reverted to an unimproved state) and used only for extensive grazing;

“single application” means an application for direct payments in relation to any of the area-related aid schemes; and

“working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

^{F3}(1A)

(2) Except where the context otherwise requires, other expressions used in these Regulations have the meaning they bear in the European Regulations.

Textual Amendments

- F1** Words in reg. 2(1) substituted (15.5.2018) by [The Common Agricultural Policy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/122\)](#), regs. 1, **3**
- F2** Words in reg. 2(1) inserted (31.1.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2020 \(S.S.I. 2020/18\)](#), regs. 1(2), **3(2)(a)**
- F3** [Reg. 2\(1A\)](#) omitted (1.1.2021) by virtue of [The Direct Payments to Farmers \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/460\)](#), regs. 1(2), **9(2)**

Marginal Citations

- M1** OJ L 30, 31.1.2009 p.16, as last amended by Commission Regulation (EC) No 889/2009 (OJ L 254, 26.9.2009, p.73).
- M2** [1971 c.80](#).
- M3** [2020 c.2](#).
- M4** OJ L 181, 20.6.2014, p.1.
- M5** OJ L 181, 20.6.2014, p.74.
- M6** 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).
- M7** OJ L 181, 20.6.2014, p.48.
- M8** OJ L 227, 31.7.2014, p.69.
- M9** OJ L 347, 20.12.2013, p.549, as amended by Regulation (EU) No 1310/2013 (OJ L 347, 20.12.2013, p.865).
- M10** [S.S.I. 2010/273](#), as amended by [S.S.I. 2011/73](#), [S.S.I. 2012/24](#), [S.S.I. 2013/9](#) and [S.S.I. 2014/7](#).

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015, Section 2.