
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 33

**The Less Favoured Area Support Scheme
(Scotland) Amendment Regulations 2016**

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

3. After regulation 9 (stocking density outwith the minimum and maximum stocking density parameters)(1) insert—

“Calculation of less favoured area support following the transfer of a holding

9A.—(1) This paragraph applies—

- (a) where there has been a transfer of all or part of a holding;
- (b) prior to that transfer, less favoured area support was granted to the transferor in relation to that holding or that part of the holding in respect of any Scheme Year commencing on or after 1st January 2010; and
- (c) following that transfer, the transferee—
 - (i) submits an application for less favoured area support in relation to that holding or that part of the holding in respect of the Scheme Year concerned or any Scheme Year following the Scheme Year concerned; and
 - (ii) has not previously received a payment of less favoured area support in respect of any Scheme Year commencing on or after 1st January 2010.

(2) Where paragraph (1) applies, these Regulations apply subject to the following modifications—

- (a) in regulation 8(4)(b) and (c) (determination of Unadjusted Payable Area), after “the applicant” insert “or, where regulation 9A(1) applies, the transferor”;
- (b) in regulation 9 (stocking density outwith the minimum and maximum stocking density parameters)—
 - (i) in relation to the formula in paragraph (2), for the definition of *S* substitute—

“*S* is the stocking density calculated for the applicant (or, where regulation 9A(1) applies, the transferor) in accordance with paragraph (4) and Parts I and II of Schedule 4 or, as the case may be, determined under paragraph (7).”;
 - (ii) in relation to the formula in paragraph (3), in the definition of *S*, after “the applicant” insert “or, where regulation 9A(1) applies, the transferor”;
 - (iii) in paragraph (4)(a), after “maintained by the applicant” insert “or, where regulation 9A(1) applies, the transferor”;
 - (iv) in paragraph (5)—
 - (aa) after “declared by the applicant” insert “or, where regulation 9A(1) applies, the transferor”; and

- (bb) after “maintained by the applicant” insert “or, where regulation 9A(1) applies, the transferor”;
- (v) in paragraph (8), in the definition of “applicable year”—
 - (aa) in sub-paragraphs (a) and (b), after “an applicant” insert “or, where regulation 9A(1) applies, the transferor”; and
 - (bb) in sub-paragraph (c), after “the applicant” insert “or, where regulation 9A(1) applies, the transferor”;
- (vi) in paragraph (8), in sub-paragraphs (a) and (b) of the definition of “historic land area”, after “the applicant”, in each place where it occurs,” insert “or, where regulation 9A(1) applies, the transferor”; and
- (vii) in paragraph (9)—
 - (aa) after “an applicant” insert “or, where regulation 9A(1) applies, the transferor”; and
 - (bb) in sub-paragraph (b), after “that applicant” insert “or, where regulation 9A(1) applies, that transferor”;
- (c) in regulation 10 (enterprise mix)—
 - (i) in paragraph (1), after “the applicant” insert “or, where regulation 9A(1) applies, the transferor”; and
 - (ii) in paragraph (2)(b), after “an applicant” insert “or, where regulation 9A(1) applies, the transferor”; and
- (d) in Schedule 4 (livestock units and stocking density), in Part I (calculation of livestock units), in the description of I and J in relation to the formula, after “an applicant” insert “or, where regulation 9A(1) applies, a transferor”.
- (3) In this regulation, “transferor” means—
 - (a) the person who transfers the holding or part of the holding who, prior to the transfer, was granted less favoured area support in relation to that holding or that part of the holding in respect of any Scheme Year commencing on or after 1st January 2010; or
 - (b) a person other than a person mentioned in sub-paragraph (a) who, prior to the transfer, was granted less favoured area support in relation to that holding or that part of the holding in respect of any Scheme Year commencing on or after 1st January 2010.”.

Commencement Information

II [Reg. 3](#) in force at 1.3.2016, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2016, Section 3.