
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 445

The Beef Special Premium (Scotland) Regulations 2001

PART III

Beef special premium

Overgrazing

15.—(1) Subject to paragraph (3), where in the year preceding any given scheme year the Scottish Ministers are of the opinion that any parcel of land is being overgrazed, they may serve on the occupier a notice specifying the maximum number of bovine animals which may be grazed and maintained on that parcel in that scheme year and containing such conditions as they consider appropriate.

(2) The maximum number referred to in paragraph (1) shall be determined by taking account of the number of other animals (expressed in terms of livestock units) likely to be grazed and maintained on the parcel concerned in the scheme year in question and having regard to such conditions contained in the notice referred to in paragraph (1).

(3) The Scottish Ministers may, if they are satisfied that in the year preceding any given scheme year overgrazing occurred on the land concerned, serve a notice under paragraph (1), notwithstanding that there is no evidence that the parcel of land to which it relates is being overgrazed, if—

- (a) the Scottish Ministers have previously served a notice under paragraph (1); or
- (b) the Scottish Ministers have served a notice under any of the provisions specified in paragraph (6),

in respect of that parcel of land.

(4) Where the Scottish Ministers have served a notice under paragraph (1) or under any of the provisions specified in paragraph (6), no beef special premium shall be paid in respect of the scheme year for which the notice was issued on any number of bovine animals grazed and maintained in that scheme year on the parcel of land to which it relates in excess of the maximum number of such animals specified in the notice.

(5) Where the Scottish Ministers have served a notice under paragraph (1) and are satisfied that—

- (a) any condition contained in that notice has been breached; or
- (b) more bovine animals than the maximum number specified in the notice have been grazed and maintained on the parcel of land to which the notice relates in the scheme year for which the notice was issued,

they may withhold, or recover on demand as a debt, the whole or any part of the beef special premium payable or, as the case may be, paid to the recipient of the notice for the scheme year to which it relates.

(6) The provisions referred to in paragraphs (3) and (4) are—

- (a) regulation 11 of the Beef Special Premium Regulations 1996⁽¹⁾;

⁽¹⁾ S.I.1996/324, revoked by these Regulations.

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

- (b) regulation 3A of the Suckler Cow Premium Regulations 1993⁽²⁾;
- (c) regulation 5 of the Suckler Cow (Scotland) Premium Regulations 2001⁽³⁾;
- (d) regulation 3A of the Sheep Annual Premium Regulations 1992⁽⁴⁾; and
- (e) regulation 10 of the Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999⁽⁵⁾.

(2) S.I. 1993/1441; relevantly amended by S.I. 1994/1528 which inserted regulation 3A and revoked by S.S.I. 2001/225.
(3) S.S.I. 2001/225.
(4) S.I. 1992/2677; relevantly amended by S.I. 1994/2741 which inserted regulation 3A.
(5) S.S.I. 1999/187.