
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 225

The Suckler Cow Premium (Scotland) Regulations 2001

Overgrazing

5.—(1) Subject to paragraph (3), where, in the year preceding the opening date for submitting claims for premium in respect of 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 written notice specifying the maximum number of animals which may be grazed and maintained on that parcel in that scheme year.

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

(3) Where the Scottish Ministers have previously served a notice under paragraph (1) or any of the provisions specified in paragraph (6) in relation to a parcel of land, they may serve a further notice under paragraph (1) in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where the Scottish Ministers have served a notice in relation to a parcel of land under this regulation or any of the provisions specified in paragraph (6), no premium shall be paid in respect of the scheme year for which the notice was issued on any number of premium 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 issued a notification under paragraph (1) and are satisfied that –

- (a) any condition specified in the notice has been breached; or
- (b) more premium 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 may recover on demand as a debt, the whole or any part of the premium otherwise payable or as the case may be already 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 3A of the Suckler Cow Premium Regulations 1993(1);
- (b) regulation 11 of the Beef Special Premium Scheme Regulations 1996(2);and
- (c) regulation 3A of the Sheep Annual Premium Regulations 1992(3).

(1) S.I.1993/1441, as amended by S.I. 1994/1528, 1995/15, 1995/1446, 1996/1488 and 1997/249. Regulation 3A was inserted by SI1994/1528.

(2) S.I. 1996/3241, as amended by S.I. 1999/1179.

(3) S.I. 1992/2677, as amended by 1994/2741, 1995/2779, 1996/49, 1997/2500, 2000/2573 and 2001/281. Regulation 3A was inserted by S.I. 1994/2741.