

SCHEDULE 9

Regulation 18

AGENCY AND CROSS BORDER HOLDINGS

Agency arrangements

1. The Scottish Ministers may, with the agreement of any competent authority, arrange for any of their functions under these Regulations in relation to any claim to be exercised on their behalf by that competent authority.

Commencement Information

I1 Sch. 9 para. 1 in force at 2.12.2005, see [reg. 1\(1\)](#)

2. The Scottish Ministers may also agree to exercise functions on behalf of another competent authority corresponding to those which are exercisable by the Scottish Ministers under these Regulations.

Commencement Information

I2 Sch. 9 para. 2 in force at 2.12.2005, see [reg. 1\(1\)](#)

3. Any such arrangement shall be in writing and be signed by or on behalf of the Scottish Ministers and the competent authority and any such arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed from time to time.

Commencement Information

I3 Sch. 9 para. 3 in force at 2.12.2005, see [reg. 1\(1\)](#)

Commencement Information

I1 Sch. 9 para. 1 in force at 2.12.2005, see [reg. 1\(1\)](#)

I2 Sch. 9 para. 2 in force at 2.12.2005, see [reg. 1\(1\)](#)

I3 Sch. 9 para. 3 in force at 2.12.2005, see [reg. 1\(1\)](#)

Set off

4. Without prejudice to the amount of any sum payable by the Scottish Ministers to any other competent authority, the amount of any sum payable by the Scottish Ministers, whether as principal or agent, by way of a specified payment may be set off against the amount of any sum recoverable by the Scottish Ministers, whether as principal or agent.

Commencement Information

I4 Sch. 9 para. 4 in force at 2.12.2005, see [reg. 1\(1\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Less Favoured Area Support Scheme (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Calculation of payments in respect of cross border holdings

5. Where any holding in respect of which a claim has been made is a cross border holding, the Scottish Ministers may pay, on such occasions as they consider fit, in respect of the Scheme Year in question to an applicant less favoured area support for carrying out eligible agricultural activity on eligible land, providing the applicant has declared the eligible land in a single application which has been treated as a valid application by the competent authority concerned.

Commencement Information

I5 Sch. 9 para. 5 in force at 2.12.2005, see [reg. 1\(1\)](#)

6. Whether the eligible agricultural activity undertaken on the eligible land is an integral part of the management of the whole holding or independently managed, Scottish Ministers shall only pay less favoured area support in respect of the eligible agricultural activity actually undertaken on eligible land defined as a less favoured area for the purposes of this instrument.

Commencement Information

I6 Sch. 9 para. 6 in force at 2.12.2005, see [reg. 1\(1\)](#)

7. For cross-border holdings where the applicant has submitted a declaration of eligible land to another competent authority, the Scottish Ministers shall apply the standard rate of payment.

Commencement Information

I7 Sch. 9 para. 7 in force at 2.12.2005, see [reg. 1\(1\)](#)

8. Applicants in respect of cross border holdings are required to supply such information as authorised persons may reasonably require to assess the eligible agricultural activity actually undertaken on eligible land defined as a less favoured area for the purposes of this instrument.

Commencement Information

I8 Sch. 9 para. 8 in force at 2.12.2005, see [reg. 1\(1\)](#)

9. All conditions applying to applicants in respect of holdings lying wholly within the less favoured areas shall apply equally to applicants in respect of cross border holdings.

Commencement Information

I9 Sch. 9 para. 9 in force at 2.12.2005, see [reg. 1\(1\)](#)

Commencement Information

I5 Sch. 9 para. 5 in force at 2.12.2005, see [reg. 1\(1\)](#)

I6 Sch. 9 para. 6 in force at 2.12.2005, see [reg. 1\(1\)](#)

I7 Sch. 9 para. 7 in force at 2.12.2005, see [reg. 1\(1\)](#)

I8 Sch. 9 para. 8 in force at 2.12.2005, see [reg. 1\(1\)](#)

I9 Sch. 9 para. 9 in force at 2.12.2005, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2007/439 reg. 26\(1\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch 2 Pt I paras 13–15 added (12.1.2006) by [S.S.I. 2005/624 regs 24](#)
- Sch 7 Pt II added (12.1.2006) by [S.S.I. 2005/624 regs 25](#)
- sch 7(a) added by [S.S.I. 2006/601 reg 7](#)
- reg 8(a) added by [S.S.I. 2006/601 reg 4](#)
- reg 12(a) added by [S.S.I. 2006/601 reg 5](#)
- reg 13(a) added by [S.S.I. 2006/601 reg 6](#)