

Scottish Statutory Instrument 1999 No. 107

The Organic Aid (Scotland) Amendment Regulations 1999

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SCOTTISH STATUTORY INSTRUMENTS

1999 No. 107

AGRICULTURE

The Organic Aid (Scotland) Amendment Regulations 1999

<i>Made</i>	<i>7th October 1999</i>
<i>Laid before the Scottish Parliament</i>	<i>8th October 1999</i>
<i>Coming into force</i>	<i>29th October 1999</i>

The Scottish Ministers in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972^[1] and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Organic Aid (Scotland) Amendment Regulations 1999 and shall come into force on 29th October 1999.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations-

"the principal Regulations" means the Organic Aid (Scotland) Regulations 1994[2];
and

"undertaking" means an undertaking given under the principal Regulations.

Application

3. - (1) Subject to paragraph (2), these Regulations apply with effect from 29th October 1999-

(a) to any undertaking given before that date but only in respect of payments made on or after that date; and

(b) to any undertaking given on or after that date.

(2) Paragraph (3) applies in relation to the sum payable in any year of an undertaking where the application of these Regulations to that undertaking by virtue of paragraph (1)(a) would result in the sum of the aid payable for that year being of a lesser amount than the sum of the aid which would have been payable if calculated under the provisions of the principal Regulations in force immediately prior to the coming into force of these Regulations.

(3) Where this paragraph applies in relation to the sum payable in any year of an undertaking, the sum of the aid payable in that year under the principal Regulations shall be increased to amount of the sum which would have been payable if calculated as mentioned in paragraph (2).

Amendment of the principal Regulations

4. In regulation 2(1) (interpretation) of the principal Regulations-

(a) the definition of "arable land" shall be omitted; and

(b) there shall be inserted in the appropriate place-

" "eligible arable land" means eligible land as defined in the Arable Area Payments Regulations 1996[3];".

5. For regulation 10(2) (amounts of aid and claims) of the principal Regulations there shall be substituted-

" (2) Payments shall be made in respect of a maximum of 1000 hectares per holding or common grazing.

(2A) Within the maximum mentioned in paragraph(2), payments in relation to eligible arable land and improved grassland shall not be made in respect of more than 300 hectares of any such land, taken together or separately."

6. For the Schedule set out in the principal Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations.

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House, Edinburgh
7th October 1999

SCHEDULE

Regulation 5

" SCHEDULE

Regulation 10(1)

1. Where the production unit or common grazing in respect of which aid is to be granted is eligible arable land the amount payable in relation to such land shall be calculated as follows:-

- (a) First year £150 per hectare of eligible arable land
- (b) Second year £150 per hectare of eligible arable land
- (c) Third year £50 per hectare of eligible arable land
- (d) Fourth year £50 per hectare of eligible arable land
- (e) Fifth year £40 per hectare or eligible arable land

2. Where the production unit or common grazing in respect of which aid is to be granted is improved grassland the amount payable in relation to such land shall be calculated as follows:-

- (a) First year £120 per hectare of improved grassland
- (b) Second year £120 per hectare of improved grassland
- (c) Third year £50 per hectare of improved grassland
- (d) Fourth year £50 per hectare of improved grassland
- (e) Fifth year £30 per hectare or improved grassland

3. Where the production unit or common grazing in respect of which aid is to be granted is rough grazing or unimproved grassland, the amount payable in relation to such land shall be calculated as follows:-

- (a) First year £10 per hectare of rough grazing or unimproved grassland
- (b) Second year £10 per hectare of rough grazing or unimproved grassland
- (c) Third year £7 per hectare of rough grazing or unimproved grassland
- (d) Fourth year £5 per hectare of rough grazing or unimproved grassland
- (e) Fifth year £5 per hectare of rough grazing or unimproved grassland."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Organic Aid (Scotland) Regulations 1994 ("the principal Regulations") which implement in part Council Regulations (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

The Regulations provide as regards arable land that aid shall be payable only in respect of such land eligible under the Arable Area Payments Regulations 1996 ("eligible arable land")(regulation 4). They increase the maximum area in respect of which aid may be paid from 300 hectares per holding to 1,000 hectares per holding (regulation 5). Within that maximum, payment may not be made in respect of more than 300 hectares of eligible arable land or improved grassland, taken together or separately.

The Regulations provide rates of payment of aid in respect of eligible arable land and improved grassland as set out in the Schedule below and make minor drafting changes (regulation 6). The new Schedule omits provision for the payment of an additional £30 per hectare in respect of the first 5 hectares of land entered into the scheme established by the principal Regulations. In any case where the new provisions when applied to an undertaking entered into before the date of coming into force of these Regulations would result in the payment of a lesser sum than would formerly have been payable under the principal Regulations the sum due is increased to that which would formerly have been payable (regulation 3(2) and (3)).

The amendments made by these Regulations were approved by Commission Decision C(1999)2202 of 9th August 1999.

SCHEDULE

<i>Rate of payment in respect of eligible arable Land</i>	<i>Old Rate per/ha</i>	<i>New rate per/ha</i>
(a) First year	£70	£150
(b) Second year	£70	£150
(c) Third year	£50	£50
(d) Fourth year	£35	£50
(e) Fifth year	£25	£40
<i>Rate of payment in respect of improved grassland</i>	<i>Old Rate per/ha</i>	<i>New rate per/ha</i>
(a) First year	£70	£120
(b) Second year	£70	£120
(c) Third year	£50	£50
(d) Fourth year	£35	£50

(e) Fifth year	£25	£30
Rate of payment in respect of rough grazing or unimproved grassland		No change

Notes:

[1] 1972 c.68. The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15.[back](#)

[2] S.I. 1994/1701; amended by S.I. 1996/3083.[back](#)

[3] S.I. 1996/3142 to which there are amendments not relevant to these Regulations[back](#)

ISBN 0 11 059162 3