

2013 No. 309

AGRICULTURE

**The Rural Development Contracts (Land Managers Options)
(Scotland) Amendment Regulations 2013**

Made - - - - *31st October 2013*

Laid before the Scottish Parliament *1st November 2013*

Coming into force - - *1st December 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Rural Development Contracts (Land Managers Options) (Scotland) Amendment Regulations 2013 and come into force on 1st December 2013.

(2) In these Regulations, “the principal Regulations” means the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008(b).

Amendment of the principal Regulations

2. In Schedule 2 to the principal Regulations (land managers options: option, activities and eligibility conditions and rates of payment), the following options are omitted—

- (a) option 5 (management of genetically appropriate tree stocks for seed production);
- (b) option 6 (modernisation through electronic management - forestry);
- (c) option 7 (access creation for sustainable forest management);
- (d) option 18 (small-scale woodlands creation);
- (e) option 19 (management of small woodlands); and
- (f) option 22 (animal welfare management programme).

Saving and transitional provisions

3.—(1) Subject to paragraph (2), despite the amendment made by regulation 2, options 5, 6, 7, 18, 19 and 22 of Schedule 2 to the principal Regulations continue to have effect on and after 1st December 2013 in relation to applications approved by the Scottish Ministers before that date.

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- (a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (‘the 1998 Act’), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (‘the 2006 Act’)). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (b) S.S.I. 2008/159, as relevantly amended by S.S.I. 2009/155 and S.S.I. 2011/85.

(2) Option 22 of Schedule 2 to the principal Regulations^(a) continues to have effect on and after 1st December 2013 in relation to those applicants who were subject to the 5 year animal welfare management programme on that date, subject to the following modifications—

- (a) in column 2 (activities and eligibility conditions), for paragraph (2)(c)(animal welfare monitoring and benchmarking) substitute—

“(c) arrange for a veterinary surgeon to record and analyse the data provided under paragraph (b), using a suitable system such as the Scottish Animal Welfare Monitoring and Benchmarking System, to investigate—

- (i) any impact of actions taken on welfare; and
- (ii) specific areas of weakness and targets to aim for.”;

- (b) in column 2 in Action Nine (control of bovine viral diarrhoea (BVD))—

- (i) in sub-paragraph (c), omit “according to the Cattle Health Improvement Plan for Scotland guidelines”;

- (ii) for sub-paragraph (e) substitute—

“(e) where pregnant animals have been purchased—

- (i) screen those animals for evidence of exposure to BVD virus;
- (ii) where there is evidence of such exposure, calve those animals in isolation; and
- (iii) isolate any calves born from those animals until those calves can be tested and shown not to be infected with BVD virus or, if shown as so infected, culled; and”;

- (iii) at the end of sub-paragraph (f), for the semi-colon substitute a full stop; and

- (iv) omit sub-paragraphs (g) and (h); and

- (c) in column 3 (rate of payment), in relation to Action Nine, for “£372.00 per scheme year” substitute “£280.00 per scheme year”.

RICHARD LOCHHEAD

A member of the Scottish Government

St Andrew’s House,
Edinburgh
31st October 2013

(a) Option 22 was inserted by S.S.I. 2009/155.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008 (“the 2008 Regulations”).

The 2008 Regulations introduce measures to supplement Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p.1) and Commission Regulation (EC) No 1974/2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 (OJ L 368, 23.12.2006, p.15). Those measures are funded under the Scotland Rural Development Programme 2007-13 as modified and approved by the European Commission.

Regulation 2 of these Regulations omits the following options in Schedule 2 to the 2008 Regulations—

- Option 5 (management of genetically appropriate tree stocks for seed production);
- Option 6 (modernisation through electronic management – forestry);
- Option 7 (access creation for sustainable forest management);
- Option 18 (small-scale woodlands creation);
- Option 19 (management of small woodlands); and
- Option 22 (animal welfare management programme).

Regulation 3(1) of these Regulations makes a saving provision for options 5, 6, 7, 18, 19 and 22 in Schedule 2 to the principal Regulations to continue to have effect in relation to applications approved before 1st December 2013.

Regulation 3(2) of these Regulations makes a transitional provision modifying option 22 including—

- to provide more flexibility as regards animal welfare monitoring and benchmarking;
- in relation to Action Nine (control of bovine viral diarrhoea (BVD))—
 - to clarify the procedures for isolation and screening of pregnant animals, the isolation and testing of calves born from those animals and the culling of any calves infected with BVD virus;
 - to remove provisions concerning the monitoring, sampling and testing of animals which are now subject to the requirements of the Bovine Viral Diarrhoea (Scotland) Order 2013; and
 - to adjust the applicable payment rate.

A business and regulatory impact assessment has not been provided for this instrument as no impact on the private or voluntary sectors is foreseen.

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