SCOTTISH STATUTORY INSTRUMENTS

2003 No. 177

AGRICULTURE

The Rural Stewardship Scheme (Scotland) Amendment Regulations 2003

Made - - - -	*11th March 2003*
Laid before the Scottish Parliament - - - -	*11th March 2003*
Coming into force - -	*1st April 2003*

The Scottish Ministers, in exercise of the powers conferred by section 98(1) and (2) of the Environment Act 1995(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Rural Stewardship Scheme (Scotland) Amendment Regulations 2003 and shall come into force on 1st April 2003.

Amendment to the Rural Stewardship Scheme (Scotland) Regulations 2001

2.—(1) The Rural Stewardship Scheme (Scotland) Regulations 2001(**2**) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation), for the definition of "application for aid" there is substituted–

> ""application for aid" means an application for aid under these Regulations and "application" shall be construed accordingly;".

(3) In regulation 9(2)(b) (claims and payment) for "upon completion of the work" there is substituted "in instalments (payable, subject as aftermentioned, at such times and at such rates as may be determined in accordance with the Rural Development Plan approved under the Council Regulation), the first instalment to be paid upon approval of an application for aid in accordance with regulation 7, except that where such approval has been given before 1st April 2003, payment shall be made upon completion of the work".

(**1**) 1995 c. 25. Section 98(1) was amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 120(7). See definition of "appropriate Minister" in section 98(5). The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain the consent of the Treasury was removed by section 55 of that Act.

(**2**) S.S.I.2001/300.

(4) For regulation 14(5) (powers of recovery etc. of the Scottish Ministers) there is substituted–

"(5) The powers conferred on the Scottish Ministers by paragraphs (2), (3) and (4) shall be exercisable by a notice served on the applicant and in paragraph (4) "specify" means specify in such a notice.

(6) Section 123 of the Environment Act 1995 (provisions relating to the service of documents) shall apply to the service of a notice under this regulation as it applies to the service of documents under that Act.".

(5) In Schedule 2 (management activities) after item 31 there is inserted–

"**32.** Management of ancient wood pasture	Sites currently listed in and candidate sites for the "Inventory of Ancient Wood Pasture in Scotland" (maintained by Scottish Natural Heritage) will be eligible. This option may be adopted for ancient wood pasture sites where there are existing veteran trees and for areas which are contiguous with existing ancient wood pasture and now devoid of veteran trees but where there is historical evidence, from 1st edition 1860 maps, that such a habitat has existed.	(a) Where the open pasture element of the wood pasture is grassland, improved or unimproved, on the inbye– Option 1 (i) Livestock must be excluded for 6 consecutive weeks between 1st April and 15th June (inclusive); (ii) At other times, grazing levels must be set to maintain an average sward height of between 5 and 20 centimetres, subject to a maximum annual stocking density of 0.75 livestock units per hectare; OR

Option 2

(i) Where the aim of this prescription would not be achieved by adopting option 1, a livestock management and grazing regime must be set out in a grazing plan to be agreed with the Scottish Ministers. Stocking rates must be set to maintain an average sward height of between 5 and 20 centimetres subject to a maximum annual stocking density of 0.75 livestock units per hectare. Where such an alternative management regime is proposed,

evidence to support its adoption must accompany the application;

AND, for both options–

(i) Pesticides, lime, artificial fertiliser, farmyard manure or slurry must not be applied to the site. However, herbicides may be applied to control injurious weeds (as defined in the Weeds Act 1959) using a weed wiper, spot treatment or hand sprayer;

(ii) Any topping must not be carried out before 31st July;

(iii) The site must not be used for supplementary feeding of stock;

(iv) Where planting of small trees will serve to extend or enhance this habitat, species appropriate to the site and, where available, of local provenance must be used;

(v) Newly planted trees or any successful regeneration must be protected either as individual trees or in groups. The stem density within such groups will not exceed 50 trees per hectare while the spacing between them will not be less than 20 metres;

(vi) Wooden post-and-rail fencing or metal