SCOTTISH STATUTORY INSTRUMENTS

2002 No. 278

AGRICULTURE

The Extensification Payment (Scotland) Regulations 2002

Made - - - -	*7th June 2002*
Laid before the Scottish Parliament - - - -	*7th June 2002*
Coming into force - -	*28th June 2002*

The Scottish Ministers, in exercise of the powers conferred 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 Extensification Payment (Scotland) Regulations 2002 and shall come into force on 28th June 2002.

(2) These Regulations shall extend to Scotland and insofar as they extend beyond Scotland, they do so only as a matter of Scots law.

Interpretation

2.—(1) In these Regulations–

"authorised person" means a person who is authorised by the Scottish Ministers to act in matters arising under these Regulations, whether or not that person is an officer of the Scottish Ministers;

"beef special premium" means the special premium for male bovine animals provided for in Article 4 of Council Regulation 1254/1999;

"bovine animal" means an animal of the domestic bovine species;

"cattle passport" means, in relation to a bovine animal–

(a) to which the Cattle Passports Order 1996(**2**) applied, a cattle passport as defined in article 2(2) of that Order;

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown by section 2(2) were transferred, so far as within devolved competence, to the Scottish Ministers by section 53 of the Scotland Act 1998.

(**2**) S.I.1996/1686, revoked by S.I. 1998/871.

(b) to which Article 6(1) of Council Regulation 820/1997 applied, a valid cattle passport issued pursuant to that Article; and

(c) to which Article 6(1) of Regulation 1760/2000 applies, a valid cattle passport issued pursuant to that Article;

"census date" means the date determined, for the purposes of the first sub-paragraph of Article 32(3) of Commission Regulation 2342/1999, by the Secretary of State in accordance with the Extensification Payment Regulations 2001(**3**);

"census declaration" means a declaration of the number of bovine animals of six months of age or more on a holding of a claimant on a census date, made by that claimant pursuant to the first indent of the third sub-paragraph of Article 32(3) of Commission Regulation 2342/1999;

"claim" means an indication, given in accordance with Article 32(1) of Commission Regulation 2342/1999, that a producer wishes to participate in the extensification payment scheme and "claimed", in relation to an extensification payment, shall be interpreted accordingly;

"claimant" means a producer who submits a claim;

"claimant's document" means any of the following documents or records, whether in writing or kept by means of a computer:–

(a) any cattle passport or other approved identification;

(b) any national administrative document, as provided for in Article 4(3)(b) of Council Regulation 1254/1999 and issued by the Scottish Ministers;

(c) any register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000;

(d) any record made under article 5 of the Bovine Animals (Records, Identification and Movement) Order 1995(**4**);

(e) any record made under article 9 of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(**5**); and

(f) any book, register (other than a register referred to in sub-paragraph (c) of this definition), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a bovine animal;

"Commission Regulation 3887/1992" means Commission Regulation (EC) No. 3887/1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(**6**) as amended by Commission Regulation (EC) No. 229/1995(**7**), Commission Regulation (EC) No. 1648/1995(**8**), Commission Regulation (EC) No. 2015/1995(**9**), Commission Regulation 1678/1998(**10**), Commission Regulation (EC) No. 2801/1999(**11**), Commission Regulation (EC) No. 2721/2000(**12**) and Commission Regulation (EC) No. 882/2007(**13**);

"Commission Regulation 2419/2001" means Commission Regulation (EC) No. 2419/2001 laying down detailed rules for applying the integrated administration and control system

(**3**) S.I. 2001/ 864. The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
(**4**) S.I. 1995/12, partially revoked by S.I. 1998/871.
(**5**) S.I. 1990/1867, revoked by S.I. 1995/12.
(**6**) O.J. No. L 391, 31.12.1992, p.36.
(**7**) O.J. No. L 27, 4.2.1995, p.3.
(**8**) O.J. No. L 156, 7.7.1995, p.27.
(**9**) O.J. No. L 197, 22.8.1995, p.2.
(**10**) O.J. No. L 212, 30.7.1998, p.23.
(**11**) O.J. No. L 340, 31.12.1999, p.29.
(**12**) O.J. No. L 314, 14.12.2000, p.8.
(**13**) O.J. No. L 123, 4.5.2001, p.20.

for certain Community aid schemes(**14**) as amended by Commission Regulation (EC) No. 2550/2001(**15**);

"Commission Regulation 2342/1999" means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes(**16**) as amended by Commission Regulation (EC) No. 1042/2000(**17**), Commission Regulation (EC) No. 1900/2000(**18**), Commission Regulation (EC) No. 2733/2000(**19**) and Commission Regulation (EC) No. 192/2001(**20**), Commission Regulation (EC) No. 1458/2001(**21**) and Commission Regulation (EC) No. 2088/2001(**22**);

"the Community rules" means the rules concerning the extensification payment laid down in Articles 12, 13, 21 and 23 of Council Regulation 1254/1999 and Chapter IV of Commission Regulation 2342/1999;

"Council Regulation 820/1997" means Council Regulation (EC) No. 820/1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(**23**);

"Council Regulation 1254/1999" means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**24**) as amended by Council Regulation (EC) No. 2730/1999(**25**), Council Regulation (EC) No 1455/2001(**26**) and Council Regulation (EC) No 1512/2001(**27**);

"extensification payment" means the extensification payment granted, for each beef special premium and suckler cow premium granted, to producers who comply with certain stocking density requirements, which is provided for in Article 13 of Council Regulation 1254/1999;

"holding" means all the production units managed by a producer situated within the United Kingdom;

"the IACS Regulations" means the Integrated Administration and Control System Regulations 1993(**28**);

"officer" means a director, manager, secretary or other similar officer of a claimant which is a body corporate, or any person who purports to act in any such capacity;

"other approved identification" means approved identification required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;

"producer" has the same meaning as in Chapter 1 of Title I of Council Regulation 1254/1999;

"Regulation 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and requiring the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/1997(**29**) as amended by Commission Regulation (EC) No. 2258/2000(**30**);

(**14**) O.J. No. L 327, 12.12.01, p. 11.
(**15**) O.J. No. L 341, 22.12.2001, p.105.
(**16**) O.J. No. L 281, 4.11.1999, p. 30.
(**17**) O.J. No. L 118, 19.5.2000, p. 4.
(**18**) O.J. No. L 228, 8.9. 2000, p. 25.
(**19**) O.J. No. L 316, 15.12.2000, p. 44.
(**20**) O.J. No. L 29, 31.1.2001, p. 27.
(**21**) O.J. No. L194, 18.07.01, p.4.
(**22**) O.J. No. L 282, 26.10.01, p. 39.
(**23**) O.J. No. L 117, 7.5.1997, p. 1, repealed by Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (O.J. No. L 204, 11.8.2000, p. 1).
(**24**) O.J. No. L 160, 26.6.1999, p. 21.
(**25**) O.J. No. L 328, 22.12.99, p. 37.
(**26**) O.J. No. L 198, 21.07.01, p. 58.
(**27**) O.J. No. L 201, 26.07.01, p.1.
(**28**) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.
(**29**) O.J. No. L 204, 11.8.2000, p. 1.

"relevant competent authority" has the same meaning as in the IACS Regulations;

"the simplified scheme" means the system of checking compliance with the stocking density requirements laid down in Article 13(2) of Council Regulation 1254/1999 on the basis of a claimant's declaration and undertaking, which is provided for in Article 32(4) of Commission Regulation 2342/1999;

"specified control measure" means any check which a member State is required to carry out under Articles 15 to 29 of Commission Regulation 2419/2001;

"the standard scheme" means the system of checking compliance with the stocking density requirements laid down in Article 13(2) of Council Regulation 1254/1999 by counting bovine animals on census dates, which is provided for in Article 32(3) of Commission Regulation 2342/1999;

"suckler cow premium" means the premium for maintaining suckler cows provided for in Articles 6 to 10 of Council Regulation 1254/1999.

(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

(3) Any reference in these Regulations to a numbered regulation (with no accompanying reference to a specific instrument) is a reference to the regulation so numbered in these Regulations.

Application

3. These Regulations shall apply to claimants, and to the holdings of such claimants, to the extent to which the Scottish Ministers are the relevant competent authority in relation to the holding of that claimant for the purposes of the IACS Regulations.

Choice of scheme

4. A claimant may, when making a claim, choose for the calendar year in respect of which the claim is made, the simplified scheme, instead of the standard scheme.

Submission of census declarations

5.—(1) No extensification payment shall be granted in respect of a calendar year to a claimant who has chosen the standard scheme for that year, unless the claimant has submitted to the Scottish Ministers a census declaration for every census date in that year.

(2) Subject to paragraph (3) below, where a claimant has chosen the standard scheme for a calendar year, that claimant shall submit to the Scottish Ministers in respect of that year, each census declaration within one month of receipt of the census declaration form from the Scottish Ministers.

(3) Subject to paragraph (4) below, in respect of the final declaration for a calendar year, that declaration shall be submitted to the Scottish Ministers within the period of two months from the end of that year.

(4) In respect of the final declaration to be made for the calendar year 2001, the declaration shall be submitted by 30th June 2002.

Supporting information

6.—(1) A claimant shall, at the request of the Scottish Ministers, supply to them such information and such documents as they may reasonably require for the purpose of determining whether the claimant qualifies for an extensification payment.

(**30**) O.J. No. L 258, 12.10.00, p.26.