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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 429

AGRICULTURE

The Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000

Made - - - -	*29th November 2000*
Laid before the Scottish Parliament - - - -	*30th November 2000*
Coming into force - -	*1st January 2001*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), **Schedule 8**, paragraph 15(3). 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.

Citation and commencement

1. These Regulations may be cited as the Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000 and shall come into force on 1st January 2001.

Application

2. These Regulations shall apply to payments made by the Intervention Board or the Scottish Ministers pursuant to a support scheme in relation to a farmer's holding for which the Scottish Ministers are the relevant competent authority in accordance with the Integrated Administration and Control System Regulations 1993 [F2].

F2 S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

Interpretation

3. In these Regulations–

"the Agrimonetary Regulation" means Council Regulation (EC) No. 2799/98[F3] establishing agrimonetary arrangements for the euro;

"the Council Regulation" means Council Regulation (EC) No. 1259/1999[F4] establishing common rules for direct support schemes under the common agricultural policy of the European Community;

"farmer" has the meaning given to it by Article 10(a) of the Council Regulation;

"holding" has the meaning given to it by Article 10(b) of the Council Regulation;

"Intervention Board" means the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972 [F5];

"the Rural Development Regulation" means Council Regulation (EC) No. 1257/1999[F6] on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations;

"scheme year" means the twelve months in respect of which payments are made pursuant to the support scheme in question; and

"support scheme" means any support scheme listed in the Annex to the Council Regulation.

(2) For the purposes of these Regulations, a reference to any European Community Regulation shall include any amendments to it before the making of these Regulations.

(3) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

F3 O.J. No. L 349, 24.12.98, p.1.
F4 O.J. No. L 160, 26.6.1999, p.113.
F5 The Intervention Board was specified as a Cross-Border Public Authority by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319). In the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) provision was made for the Scottish Ministers to exercise certain functions in relation to the Intervention Board.
F6 O.J. No. L 160, 26.6.1999, p.80.

Modulation of support scheme payments

4.—(1) For the purposes of calculating the amount of any payment to which a farmer is entitled pursuant to a support scheme, the Scottish Ministers or (in the case of payments under support schemes in relation to which the Intervention Board is responsible for making payments) the Intervention Board, shall deduct the following specified proportion from the amount to which the farmer would be entitled under the support scheme if this regulation did not apply:–

(a) in respect of the scheme year which begins in 2001, 2.5%;

(b) in respect of the scheme year which begins in 2002, 3.0%;

(c) in respect of the scheme year which begins in 2003 and that which begins in 2004, 3.5%; and

(d) in respect of the scheme year which begins in 2005 and that which begins in 2006, 4.5%.

(2) For the purposes of this regulation, a payment to which a farmer would be entitled under the support scheme if this regulation did not apply, includes any payment which is made pursuant to Article 4 or 5 of the Agrimonetary Regulation (by way of supplement to the payment made pursuant to a support scheme) to the extent that such payment is funded by the European Community in accordance with Article 6 of the Agrimonetary Regulation.