2001 No. 34

AGRICULTURE

The Environmentally Sensitive Areas (Loch Lomond) Designation Amendment Order 2001

Made	*6th February 2001*
Laid before the Scottish Parliament	*6th February 2001*
Coming into force	*8th March 2001*

The Scottish Ministers, in exercise of the powers conferred by section 18(1), (4) and (11) of the Agriculture Act 1986(**a**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Loch Lomond) Designation Amendment Order 2001 and shall come into force on 8th March 2001.

(2) In this Order "the principal Order" means the Environmentally Sensitive Areas (Loch Lomond) Designation Order 1992(**b**).

Amendment of the principal Order

2.—(1) For article 7 of the principal Order(**c**) there shall be substituted–

"**7.**—(1) Where an agreement identifies expenditure required to undertake additional farming operations specified in paragraph 10(b) of the Schedule to this Order, the Scottish Ministers shall make additional payments according to the farming operations to be carried out.

(2) The payments to be made under paragraph (1) above shall be made at a rate to be determined by the Scottish Ministers–

(a) in the case of an agreement entered into on or after 8th March 2001, up to a maximum rate of £30,000 for each 5 year conservation plan; and

(b) in the case of an agreement entered into before that date, up to a maximum rate of £30,000 for a 5 year conservation plan included in such agreement which agreement had commenced but which had not ended before that date.".

3. The Schedule to the principal Order shall be amended as follows:–

(a) for paragraph 10(b)(v), there shall be substituted–
"if the farmer so wishes, measures to restore or create dykes, hedges and ponds, and measures to restore stone fanks, in each case to standards consistent with conservation interests;"; and

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(a) 1986 c.49; section 18(4) was amended by S.I. 1994/249. See section 17 for the definition of "the Minister". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.I. 1992/1919; amended by S.I. 1992/2062, 1994/3067, 1995/3097 and 1996/3082.

(c) Article 7 was substituted by S.I 1995/3097, article 2(4).

(b) after paragraph 10(b)(vi) there shall be inserted–

"(vii) if the farmer so wishes, a grazing plan and other measures necessary to conserve, enhance or extend water margins, the width of which must be not less than 6 metres.".

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th February 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Loch Lomond) Designation Order 1992 to increase the ceiling on payments made to persons from £25,000 to £30,000 in respect of each 5 year conservation plan contained in an agreement (article 2) and by allowing the farmer to take measures for creating dykes, hedges and ponds and to conserve, enhance or extend water margins (article 3)).

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

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