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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 439**

**The Less Favoured Area Support  
Scheme (Scotland) Regulations 2007**

**Eligibility for payment of less favoured area support**

**4.—(1)** Payment of less favoured area support may be made to an applicant in respect of a Scheme Year only if—

- (a) subject to paragraphs (2) and (3), that applicant has given an undertaking, in such form as the Scottish Ministers may reasonably require, to continue to use eligible land for a period of not less than five years from the first payment made under—
  - (i) these Regulations;
  - (ii) the 2005 Regulations;
  - (iii) the 2004 Regulations;
  - (iv) the 2003 Regulations;
  - (v) the 2002 Regulations; or
  - (vi) the 2001 Regulations; and
- (b) that applicant meets the requirements of cross compliance.

(2) An applicant may be released from the undertaking referred to in paragraph (1)(a)—

- (a) if the applicant has, during the period for which the undertaking was given, transferred all or part of the holding to another person and that person agrees to take over the undertaking;
- (b) if, where the applicant has ceased farming during the period for which the undertaking was given, the applicant's successor agrees to take over the undertaking; or
- (c) if, in the opinion of the Scottish Ministers, the applicant is prevented from continuing to discharge that undertaking by reason of any material circumstances beyond the control of that person.

(3) In the event that the applicant has ceased farming and the applicant's successor does not agree to be bound by the undertaking referred to in paragraph (1), the Scottish Ministers may, if satisfied that the applicant has, at the time of the cessation of farming, honoured a significant proportion of the undertaking, release the applicant from that undertaking.