



## SCOTTISH EXECUTIVE

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CAP Management Division

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Your ref: SBCS

15 December 2004

### **Scottish Beef Calf Scheme(SBCS)**

Dear Producer

We previously sent you Single Farm Payment Scheme information leaflet 5 which gave an outline of the basic rules of the above scheme.

I now enclose a detailed Notes for Guidance(SBCS 2) and one copy of the claim form(SBCS 1).

Please read the Notes for Guidance to ensure you understand the requirements of the scheme before you submit any claims.

If you have any queries, please contact your SEERAD Area Office for more information.

Yours sincerely

ANDY MITCHELL  
Scottish Beef Calf Scheme Officer



# Scottish Beef Calf Scheme



## Notes for Guidance



# Scottish Beef Calf Scheme

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## NOTES FOR GUIDANCE

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- These notes cover the Scottish Beef Calf Scheme (SBCS). Please read them carefully so you understand the scheme requirements.
- Contact your SEERAD Area Office if you need more information. Our staff can only give you general guidance, not specific business advice. If in doubt, ask a professional adviser for help.



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# Scottish Beef Calf Scheme

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## 1 Outline of the Scheme

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- The Scottish Beef Calf Scheme (SBCS) gives direct support to specialist beef producers in Scotland.
- The scheme opens on 1 January 2005.
- We pay on male and female calves which are at least 75% beef bred and at least 30 days old.
- These calves must have been born on your Scottish holding on or after 2 December 2004 and kept there for at least 30 days.
- You should submit your claim(s) to a SEERAD Area Office. For each animal you claim you **should include a movement card from its passport**.
- There is no limit to the number of claims you can make in a year.
- You must make sure a herd record book of all cattle on your holding is kept, in line with the Cattle Identification Regulations.
- We will vary the payment rate depending on the total eligible animals claimed in Scotland each calendar year.
- We may inspect your holding to check your claim.

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## 2 Eligibility

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### a Producers and agents

You can be an individual, a company or a partnership, or a group of these. You can authorise an agent to act for you and sign your claim form. If you use an agent, you must have sent us an authorisation form AA1, which you can get from any area office. The claim form must show the name and address of the business making the claim.

### b Holdings

Your holding is all the production units (farms/crofts) managed by you. Only production units in Scotland are eligible for this scheme.

### c Area Aid Application

To claim under the scheme, you must send us an Area Aid Application (AAA). If you send us an AAA and claim under this scheme, the main farm code you enter on your claim forms should be the same.

### d Eligible Animals

We will pay on calves which:

- you own or lease;
- are at least 75% beef bred;
- are at least 30 days old and were born on or after 2 December 2004;
- are born on land in Scotland and kept there continuously from birth for at least 30 days; and
- are registered on the Cattle Tracing System (CTS) and have a valid cattle passport.

## Scottish Beef Calf Scheme

### e Cross Compliance

To be eligible under the scheme, you must maintain your land in Good Agricultural and Environmental Condition and comply with the Statutory Management Requirements.

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### 3 Claiming Subsidy

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#### a General

You can claim electronically (see below) or on a paper Scottish Beef Calf Scheme Claim Form (SBCS 1). You can get a claim form from any SEERAD Area Office.

We will only accept and acknowledge your claim form if you or your agent have:

- filled in your main farm code, **business** name and address in section one;
- filled in the numbers claimed box and location box(es) at section two;
- signed and dated the form at section three; and
- supplied ear tag numbers (see section 3d below).

#### b Maximum number of claims

There is no limit to the number of claims you can make in a year.

#### c Claiming electronically

If you have access to the internet you can fill in a claim form on-line. For more information please see <http://www.scotland.gov.uk/about/agriculture> or phone the SEERAD On-line helpline on 0845 6017597.

#### d Supporting documents (paper claims)

**You must enclose a movement card from the cattle passport of each animal you claim.** This will help us process your claim. If you do not have a movement card, attach a list of ear tag numbers of the animals claiming. If possible, show the ear tag numbers in bar-code format. You must sign and date any ear tag list. You can get a copy of the form shown in Annex B for listing ear tags at any SEERAD area offices. The total movement cards and ear tag numbers must be the same as the total number of animals you are claiming.

**Before you move animals from your holding, remember to retain a movement card to enclose with your claim. Do not attach the cattle passport.**

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### 4 Claim period

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You can claim from 1 January to 31 December.

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### 5 Withdrawals

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You can write to us to withdraw an entire claim or individual animals at any time. But not if we have told you we will be inspecting your holding, or have told you about any errors in your claim.

## **Scottish Beef Calf Scheme**

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### **6 Eligibility Checks**

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We will check all the animals you claim with the Cattle Tracing System (CTS).

To check the CTS records for your animals either visit CTS Online at [www.bcms.gov.uk](http://www.bcms.gov.uk) or use your paper statement issued from BCMS.

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### **7 Cattle inspections**

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We will inspect cattle you have claimed under the scheme as part of our existing Cattle Identification Inspection programme. We will check that you have met the scheme's rules and that the Cattle Identification Regulations 1998 (as amended) have been met. You must allow us to count and inspect your animals at any reasonable date and time. We may ask you to gather your animals at a convenient place on the holding, and you must provide secure handling facilities to allow us to check each animal's ear tag.

We may not warn you of any inspection, and we may inspect your holding more than once a year. We will not pay your subsidy, and you may be prosecuted if you:

- refuse to let us inspect your holding;
- prevent our inspector from coming onto your holding; or
- do not give reasonable help to the inspector.

We will check:

- all cattle on your holding and compare what we find with your herd register and BCMS records;
- that your animals are eligible for the scheme;
- supporting documents, such as purchase and sales receipts and slaughter certificates;
- that BCMS have been told about all animal movements.

By law you must allow us to examine your records when we visit your holding. If these records do not support your claims we will not pay you and you will have to pay back any payments we have already made, plus interest.

Breaches of Cattle Identification Regulations may result in us rejecting or reducing your claim.

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### **8 Record Keeping**

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The Cattle Identification Regulations 1998 (as amended) require cattle keepers to keep a herd register detailing all the animals on each of their County Parish Holding (CPH) locations. This record must be accurate and up to date, or you may lose payments.

If you make a claim, you must keep all records relating to the claim for 4 years, together with any other relevant documents, for example, sales receipts and purchase documents.

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To help us inspect your claim, please keep a running total of the cattle on your farm in your register. We strongly advise you to use the standard record format. You can download this from our website at: [www.scotland.gov.uk/cattle](http://www.scotland.gov.uk/cattle) .

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### 9 Ear tag rules

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You can get full details of the rules on cattle ear tags from BCMS. E-mail them at [bcms-enquiries@defra.gsi.gov.uk](mailto:bcms-enquiries@defra.gsi.gov.uk) or phone their helpline on 0845 050 1234.

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### 10 Penalties

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#### a General

You will lose some or all of your payment if you do not meet the rules of the scheme and the undertakings you give.

You may be prosecuted if you knowingly or recklessly make a false statement to receive payment for yourself or someone else.

Make sure you understand your responsibilities and get professional advice if you need it.

#### b Scheme Penalties

You may face a penalty if you claim animals which do not meet the rules of the scheme.

The level of penalty depends on how many penalty animals you had and the total animals you claimed in the year. To find the percentage error rate, we will divide the total number of penalty animals you claimed by the total number of eligible animals you claimed. For example if you claimed 100 animals but 10 were penalised the percentage error would be:  $10 \text{ (penalised animals)} \div 90 \text{ (eligible animals)} = 11.1\%$ .

There are five levels of penalty.

- **Level one** – where there are three or fewer penalty animals, we will reduce your payment by the percentage error rate.

Penalty levels two, three or four may apply when the number of penalty animals is more than three:

- **Level two** – if the percentage error rate is not more than 10%, we will reduce your payment by the percentage error rate.
- **Level three** – if the percentage error rate is between 10% and 20%, we will reduce your payment by twice the percentage error rate.
- **Level four** – if the percentage error rate is more than 20%, we will not pay you under that year's scheme.

## Scottish Beef Calf Scheme

False Declaration:

- **Level five** – if you make a false declaration, we will not pay you under that year's scheme. We will also deduct an equal amount from future payments.

### **c Penalties applied for breaches of Cross Compliance**

You may face a penalty if you do not maintain your land in Good Agricultural and Environmental Condition (as set out in Annex IV of Regulation (EC)1782/2003), or if you do not comply with the Statutory Management Requirements (as set out in Annex III of Regulation (EC) 1782/2003) which include Cattle Identification Regulations.

### **d Late submission of AAA**

If you send us your AAA after the deadline you will get late penalties. These will be as set out in the IACS booklet.

### **e Penalties for using banned substances**

We may exclude you from the scheme for a year if we find:

- that you have used banned substances (for example, hormones) on your cattle or we find these substances on your premises; or
- we find residues of substances in your cattle (for example, medicines) which you have used illegally, or we find these substances stored illegally on your premises.

If it is not the first time you have been excluded from the scheme for using banned substances, we may exclude you for up to five years. Also, if you prevent us from inspecting your holding or taking samples to check for banned substances, we may exclude you from the scheme.

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## **11 Declarations and Undertakings**

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Read the Declarations and Undertakings listed at Section 3 of your claim form carefully before you sign it.

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## **12 Payments**

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### **a General**

We will pay into your chosen bank account. If you want to change your bank details fill in and return a BACS 1 form, which you can get from a SEERAD Area Office.

### **b Payment rates**

The payment rate for eligible animals is not fixed. The rate for each animal will vary each year depending on the total number of eligible animals claimed in Scotland in the calendar year.

We will pay the first ten eligible animals you claim in a year at a higher rate than any other eligible animals you claim in the same year.

## **Scottish Beef Calf Scheme**

### **c Payment in euros**

We can pay you in euros, but you must commit to being paid in euros for a reasonable time, and you must give us notice if you decide to change to receiving your payments in sterling.

### **d Modulation**

Modulation is where we recycle a proportion of direct payments to farmers to help fund the Scottish Rural Development Programme (SRDP).

We will modulate scheme payments at the rate for the year.

The payment advice letter we send you will show how much we have modulated your payment by.

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## **13 Citizens Charter targets**

We will only be able to process your claim if you have filled in your form correctly and have included all the documents we need to support your claim.

We aim to:

- send you an acknowledgement letter within 14 days; and
- pay you by the end of February in the year following the year you claim. So, if you claim in November 2005, we will pay you by February 2006.

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## **14 Disclosure of Data**

The Scottish Executive is bound by the terms of the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004/2005.

We will protect any personal data we receive in line with the Data Protection Act 1998. We will use the data provided in the CAP subsidy application primarily for the purpose of processing the applications. However, it may also be used in accordance with the Data Protection Act and subject to the safeguards of that Act for purposes connected with:

- Administration of the Common Agricultural Policy;
- SRDP and other aid schemes;
- The production and safety of food;
- Management of land and other environmental controls;
- Provision of services to businesses;
- Animal health and welfare; and
- Occupational health and welfare.

Data may be passed (when necessary for these purposes) to other bodies. For example to Customs and Excise for import or export purposes, or to local authorities for milk or health purposes. Data may also be used for statistical purposes, not identifying individuals, which may reduce the need for some statistical data collection. It may also be used when necessary to comply with the Environmental Information Regulations noted above and the Code of Practice on Access to Government Information.

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In addition, information provided in the CAP subsidy application will not generally be considered confidential and could be released in response to a request or in fulfilment of the Executive's general duties under the Freedom of Information (Scotland) Act. Scottish Ministers and the Information Commissioner could determine that the public interest in disclosure outweighed other factors. Commercial confidentiality considerations will be taken into account but could be outweighed by the public interest in disclosure.

In submitting an application, please let us know if there are any elements of it which would prejudice substantially your commercial or other interests if they were made public. Please note there may nevertheless be public interest in publishing the material submitted.

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### 15 Appeals and complaints

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#### a Appealing against our decision

If you are not sure why we have penalised you or do not understand our decision, ask your SEERAD Area Office to explain.

If you are not satisfied with this explanation, you can ask us to review our decision under the EU Agricultural Subsidy Schemes Appeals procedure. You have 60 calendar days from the date of our decision letter to send in your appeal. The appeal procedure has three stages – an in-house review, an external panel review and an appeal to the Scottish Land Court.

You can get a booklet on the appeal procedure from an Area Office or from:

Appeals Secretariat  
SEERAD  
Room 028  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

The appeals procedure does **not** handle complaints about our standard of service.

#### b Complain about our standard of service

If you have a complaint about our **standard of service**, you should do the following.

- Contact the person at your SEERAD Area Office who is dealing with your case. You may complain by letter, by telephone, or in person. If you want a more senior officer to consider your complaint, write to the Principal Agricultural Officer at your SEERAD Area Office. They will either deal with your complaint or pass it to the appropriate person. It will help us to investigate your complaint if you set out the facts as fully as possible, and give your main farm code number. We will acknowledge your complaint as soon as we receive it, investigate it properly and aim to reply within two weeks.

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- If you are not satisfied with this reply, fill in the complaint form (which you can get from any area office) and send it to:

The Central Complaints Team  
SEERAD  
Room 028  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

- You can also ask your Member of the Scottish Parliament or your Member of the UK Parliament to take up your complaint with the Minister for Environment and Rural Development.
- You, or your authorised representative, may also ask the Scottish Public Services Ombudsman to investigate your complaint. Your representative may be an MSP, local councillor or any person you consider suitable to represent your interests. Your complaint must be with the Scottish Public Services Ombudsman within 12 months after the day you first knew of the problem. You can get more information about the Scottish Public Services Ombudsman at:

Scottish Public Services Ombudsman  
23 Walker Street  
Edinburgh  
EH14 1TY  
<http://www.scottishombudsman.org.uk>

- You can get a booklet on the complaints procedure from an area office or from

The Central Complaints Team  
SEERAD  
Room 028  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

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### 16 Legal base

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The legal base for the scheme is in Council Regulation 1782/2003 and Commission Regulation 795/2004[article 48].

The scheme is also governed by Commission Regulation 796/2004.

We aim to provide as much guidance as possible on the scheme. But these notes do not provide a full statement of the law (which only the European Court of Justice can give). If you have any legal questions, you should get appropriate legal advice.

## Scottish Beef Calf Scheme

### Annex A: Useful addresses and phone numbers

#### AYR

SEERAD  
Russell House  
King Street  
AYR KA8 0BE  
Tel No: 01292 610188  
Fax No: 01292 611483  
seerad.ayr@scotland.gsi.gov.uk

#### BENBECULA

SEERAD  
Balivanich  
Isle of Benbecula  
HS7 5LA  
Tel No: 01870 602346  
Fax No: 01870 602077  
seerad.benbecula@scotland.gsi.gov.uk

#### DUMFRIES

SEERAD  
Government Buildings  
161 Brooms Road  
DUMFRIES DG1 3ES  
Tel No: 01387 274400  
Fax No: 01387 274440  
seerad.dumfries@scotland.gsi.gov.uk

#### ELGIN

SEERAD  
32 Reidhaven Street  
ELGIN  
IV30 1QN  
Tel No: 01343 547514  
Fax No: 01343 552312  
seerad.elgin@scotland.gsi.gov.uk

#### GALASHIELS

SEERAD  
Cotsgreen Road  
Tweedbank  
GALASHIELS TD1 3SG  
Tel No: 01896 892400  
Fax No: 01896 892424  
seerad.galashiels@scotland.gsi.gov.uk

#### HAMILTON

SEERAD  
Cadzow Court  
3 Wellhall Road  
HAMILTON ML3 9BG  
Tel No: 01698 281166  
Fax No: 01698 285277  
seerad.hamilton@scotland.gsi.gov.uk

#### INVERNESS

SEERAD  
28 Longman Road  
INVERNESS  
IV1 1SF  
Tel No: 01463 234141  
Fax No: 01463 714697  
seerad.inverness@scotland.gsi.gov.uk

#### INVERURIE (Thainstone)

SEERAD  
Thainstone Court  
INVERURIE  
AB51 5YA  
Tel: 01467 626222  
Fax: 01467 626217  
seerad.inverurie@scotland.gsi.gov.uk

#### HEADQUARTERS

SEERAD  
SBCS Section  
J1 Spur, Saughton House  
Broomhouse Drive  
EDINBURGH EH11 3XD  
Tel: 0131 244 4488  
Fax: 0131 244 8161  
SFPmailbox@scotland.gsi.gov.uk

#### KIRKWALL

SEERAD  
Government Buildings  
Tankerness Lane  
KIRKWALL KW15 1AG  
Tel No: 01856 875444  
Fax No: 01856 873309  
seerad.kirkwall@scotland.gsi.gov.uk

#### LAIRG

SEERAD  
Ord Croft  
LAIRG  
IV27 4AZ  
Tel No: 01549 402167  
Fax No: 01549 402117  
seerad.lairg@scotland.gsi.gov.uk

#### LERWICK

SEERAD  
Charlotte House  
Commercial Road  
LERWICK ZE1 OHZ  
Tel No: 01595 695054  
Fax No: 01595 694254  
seerad.lerwick@scotland.gsi.gov.uk

#### OBAN

SEERAD  
Cameron House  
Albany Street  
OBAN PA34 4AE  
Tel No: 01631 563071  
Fax No: 01631 566756  
seerad.oban@scotland.gsi.gov.uk

#### PERTH

SEERAD  
Strathearn House  
Broxden Business Park  
Lamberkine Drive  
PERTH PH1 1RX  
Tel No: 01738 602000  
Fax No: 01738 602001  
seerad.perth@scotland.gsi.gov.uk

#### PORTREE

SEERAD  
Estate Office  
PORTREE  
IV51 9DH  
Tel No: 01478 612516  
Fax No: 01478 613128  
seerad.portree@scotland.gsi.gov.uk

#### STORNOWAY

SEERAD  
10 Keith Street  
STORNOWAY HS1 2QG  
Tel No: 01851 702392  
Fax No: 01851 705793  
seerad.stornoway@scotland.gsi.gov.uk

#### THURSO

SEERAD  
Strathbeg House  
Clarence Street  
THURSO KW14 7JS  
Tel No: 01847 893104  
Fax No: 01847 895983  
seerad.thurso@scotland.gsi.gov.uk

British Cattle Movements Service  
Curwen Road  
Workington  
Cumbria  
CA14 2DD

Tel No: 0845 050 1234



### **Annex C**

#### **The following breeds are not eligible for the Scottish Beef Calf Scheme**

- Angler Rotvieh (Angeln) – Rød dansk maelkerace (RDM)
- Ayrshire
- Armoricaïne
- Bretonne Pie-Noire
- Friesian: Fries Holland (FH), Francaise frisonne pie noire (FFPN), British Friesian, Friesian-Holstein, Holstein, Black and White Friesian, Red and White Friesian, Frisona Italiana, Frisona Espanola, Zwartbonten van Belgie/Pie-noire de Belgique, Sørbøget dansk maelkerace (SDM), Deutsche Schwartzbunte, Swartzbunte Milchrasse (SMR)
- Groninger Blaarkop
- Guernsey
- Jersey
- Malkeborhorn
- Reggiana
- Valdostana Nera
- Itäsuomenkarja
- Länsisuomenkarja
- Pohjoissuomenkarja

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Astron B37995 12/04