



Scottish Government  
Riaghaltas na h-Alba  
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# Rural Payments and Inspections Division

## Cross Compliance 2022

### **Introduction to GAECs and SMRs**

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

Please refer to <https://www.ruralpayments.org> for the most up-to-date guidance on Cross Compliance

# Introduction

**Date published: 23 December, 2020**

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Areas of Cross Compliance	Requirement
Environment, climate change, good agricultural condition of land	SMR 1, SMR 2, SMR 3 and GAECs 1-7
Public health, animal health and plant health	SMR 4, SMR 5, SMR 6, SMR 7, SMR 8, SMR 9 and SMR 10
Animal welfare	SMR 11, 12 and 13

Cross Compliance is a set of rules made up of 'Statutory Management Requirements' (SMRs) and 'Good Agricultural and Environmental Conditions' (GAECs). These relate to:

## Schemes covered by Cross Compliance

You must meet the Cross Compliance rules to receive your full payments under the following schemes:

- Basic Payment Scheme (BPS) (including Greening and Young Farmer payments)
- Scottish Suckler Beef Support Scheme (Mainland and Islands)
- Scottish Upland Sheep Support Scheme
- Less Favoured Area Support Scheme (LFASS)
- payments relating to the following Scottish Rural Development Programme measures, including:
  - 1) afforestation and creation of woodland
  - 2) establishment of agroforestry systems
  - 3) Agri-Environment Climate Scheme options
  - 4) organic farming
  - 5) animal welfare
  - 6) forest-environment and climate service, and forest conservation
  - 7) Beef Efficiency Scheme

## Legislative base

Following Brexit, Cross Compliance is implemented under both UK and EU legislation.

BPS, SSBSS, SUSSS, LFASS and SRDP Schemes with agreements signed after 1 January 2020 are fully funded by the UK and are implemented under the relevant EU legislation transposed to UK law. The legislation is referred to as Retained EU Law.

SRDP Schemes with agreements signed before 1 January 2020 will continue to be funded by the EU for the duration of the individual agreements and will continue to be implemented under the relevant EU legislation. The legislation is referred to as EU Law proper.

Following Brexit, Cross Compliance is implemented under both UK and EU legislation.

This guidance is our interpretation of the Cross Compliance rules.

It is not a definitive statement of the law – only the courts can give this.

The following legislation; as implemented under Retained EU Law or implemented under EU Law proper provides the legislative base for Cross Compliance:

- European Parliament and Council Regulation (EU) No 1306/2013
- Commission Delegated Regulation (EU) No 640/2014
- Commission Implementing Regulation (EU) No 809/2014

SSI 2014/325 defines Good Agricultural and Environmental Condition (GAEC) in Scotland as well as providing enforcement and inspection powers for inspectors.

## Who is responsible for meeting Cross Compliance?

Cross Compliance applies for the whole of the calendar year and to all the land within your business, including seasonally rented land and common grazings.

In some circumstances, you will be held responsible for Cross Compliance before land is transferred to you or after it is transferred from you.

- if you rent or buy land after 1 January, you will be liable for any Cross Compliance breaches that occurred on the land from 1 January
- if you sell land or a seasonal grazing lease ends before 31 December you will be liable of any Cross Compliance breaches that occurred on the land until 31 December

An exemption to this is when land is transferred from or to another claimant and then they become liable of any Cross Compliance breaches that occur on the land during the period of time the land is part of their holding.

As the claimant, it's your responsibility to make sure the Cross Compliance rules are met.

You will be held liable for the actions of employees, workers and family members.

You may also be held liable for the actions of third parties, for example, agents, contractors and agronomists. This will depend on your actions, such as your choice of third party, the instructions you give to them and your monitoring of them.

## **Refusing an inspection**

We will not pay your claim and we may have to take action restricting the movement of your animals if you:

- refuse to allow an inspector access to your farm to carry an inspection
- obstruct an inspector during the course of an inspection
- don't provide reasonable assistance to allow the inspections take place, including gathering and presenting livestock in safe and secure manner

We are here to help and are committed to providing good customer service. We will treat you with respect and expect you to do the same.

We will not tolerate threatening or abusive behaviour towards our people, either verbally, physically or in writing.

We will take whatever action is necessary (including legal action) against any person who is involved in threatening or abusive behaviour.

## **Cross Compliance inspection selection**

The Cross Compliance legislation instructs that businesses should be selected for inspection on a risk analysis basis for 75 per cent of inspections and a random basis for 25 per cent of inspections.

## **Force majeure and exceptional circumstances**

We may accept that you have been prevented from meeting the Cross Compliance rules due to force majeure or exceptional circumstances.

These are unusual situations outside your control which prevented you from complying with scheme rules. Some examples of force majeure or exceptional circumstance are:

- the death of the farmer
- the long term professional incapacity of the farmer or beneficiary
- a severe natural disaster affecting the holding's agricultural land
- the accidental destruction of livestock buildings
- an epizootic disease affecting livestock

To apply for force majeure or exceptional circumstances, you must write to your RPID area office within 15 working days of being able to tell us about it.

You will need to send us as much evidence as you can to support your case, including proof that the event occurred. We consider each case on its individual merits.

# Buffer strips along watercourses (GAEC 1)

**Date published: 6 March, 2018**

## Buffer strips along watercourses

The aim of these rules is to protect water against pollution. The requirements restrict the storage, application of fertilisers and pesticides and cultivations along watercourses.

### **You must not:**

1. apply organic manure\* to any land which is situated within:
    - 10 metres of any surface water\*
    - 50 metres of any well, borehole, etc. for the supply of water
  2. locate field heaps\* within:
    - 10 metres of any surface water
    - 50 metres of any well, borehole, etc. for the supply of water
  3. allow organic manure from a store on your holding to become located within:
    - 10 metres of any surface water
    - 50 metres of any well, borehole, etc. for the supply of water
  4. apply chemical\* fertiliser to any land in a way that makes it likely the fertiliser will directly enter any surface water
  5. apply nitrogen fertiliser\* to land if there is significant risk of nitrogen entering surface water, taking into account:
    - the slope of the land, particularly if greater than 12 degrees
    - any ground cover
    - proximity to any surface water
    - weather conditions
    - the type of fertiliser being applied
- Applying nitrogen/chemical fertiliser to land that is waterlogged, flooded, has been frozen for over 12 hours in the preceding 24 hours or covered in snow is considered to pose a significant risk of the fertiliser entering surface water.
6. cultivate land within two metres of the top of the bank\* of surface water unless one of the following exemptions apply:
    - cultivating to establish a green cover where one doesn't already exist. A green cover excludes crops that are grown for a commercial purpose, for example arable crops including crops that are under sown with grass
    - cultivating to establish a new hedge

7. apply pesticides within two metres of the top of the bank\* of surface water unless the following exemption applies:

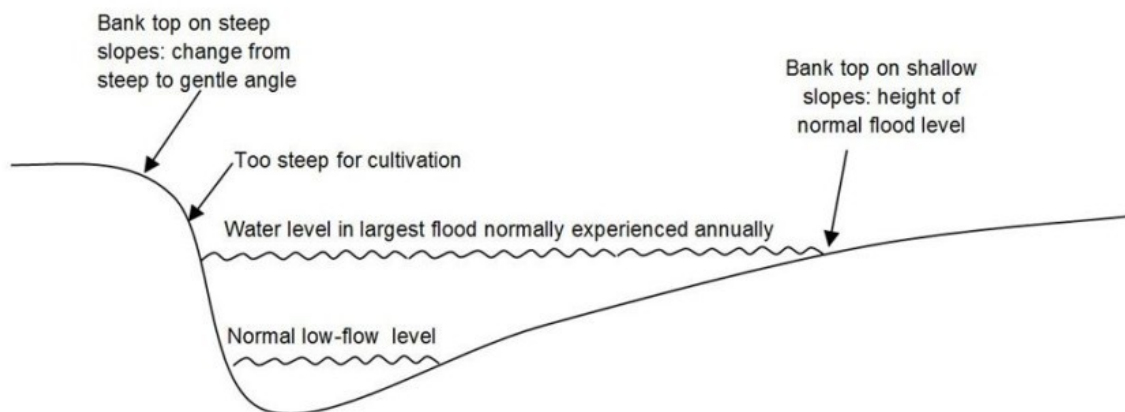
- spot applications of pesticides to control injurious weeds\*, invasive species\* and, after prior written consent of the Scottish Ministers and / or other statutory bodies, certain other weed species. If you are carrying out this exemption, please be aware of SEPA's requirements for applying pesticides in or near water.

### Additional information

The location of the bank top depends on the bank profile and can be identified as follows:

1. Topping' is permissible within the two meter buffer strip, however Greening rules may apply if this land is also part of your Ecological Focus Area (EFA). Further details on the greening requirements can be found [here](#)

2. where the bank is fairly steep and an obvious bank face exists, the bank top is the highest part of the bank where the slope angle changes from steep to gentle and cultivation could take place (see below)



3. where the bank face is very shallow and there is no obvious break in slope, the bank top is the height to which water normally reaches during the largest flood normally experienced during the course of a year

Note, the flood height used here excludes the water height reached during rare major floods. The normal flood level height may be difficult to identify because there is not a single indicator that can be used to locate it.

Depending on the site, the following indicators may be used:

- traces left by high-water including flattened vegetation, deposited sediment (typically sands) or a high-water line of washed-up matter such as twigs or leaves
- exposed coarse sediments such as gravel
- changes in the pattern or type of vegetation

Bank top on shallow slopes: height of normal flood level, here where the coarse sediment stops and vegetation type changes



Bank top on shallow slopes: height of normal flood level shown here by flattened vegetation







## **\*Explanation of terms**

'*Organic manure*' means livestock manure and nitrogen fertiliser derived from organic matter (sewage sludge, composted vegetable waste, etc.)

'*Surface water*' include coastal water, lochs, rivers, burns, streams and ditches which contain free water and also temporarily dry ditches.

'*Chemical fertiliser*' means fertiliser which is manufactured by an industrial process.

'*Nitrogen fertiliser*' includes both organic manures and chemical fertilisers.

'*Field Heap*' means a store or stack of organic manure which is freestanding, does not slump and does not produce free draining liquid from within the stacked material.

'*Top of the bank*' depends on the profile of the bank – see additional information images.

'*Injurious weeds*' are species specified in the Weeds Act 1959: Spear Thistle (*Cirsium vulgare* (Savi) Ten), Creeping or Field thistle (*Cirsium arvense* (L.) Scop.), Curled dock (*Rumex crispus* L.), Broad-leaved dock (*Rumex obtusifolius* L.) and Common Ragwort (*Senecio jacobaea* L.).

'*Invasive species*' means giant Hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).

# Abstraction of water for irrigation (GAEC 2)

**Date published: 2 February, 2016**

## Abstraction of water for irrigation

The aim of these rules is to protect water resources by licensing abstraction of water for irrigation.

### **You must:**

1. comply with the authorisation procedures for abstracting water for irrigation. The procedures differ depending on the quantity of water involved:

- if you abstract less than (<) 10 cubic metres of water each day you have to follow General Binding Rule 2 (GBR 2). Complying with GBR 2 means there is no requirement to contact the Scottish Environment Protection Agency (SEPA) to register or apply for a licence

### **GBR 2 rules**

You must be able to demonstrate that the abstraction is always less than 10 cubic metres in any one day (e.g. by measuring the rate of abstraction) or a means of demonstrating that the maximum volume that could be abstracted cannot exceed (>) 10 cubic metres in any one day.

Water leakage must be kept to a minimum by ensuring that all pipework, storage tanks and other equipment associated with the abstraction and the use of the water are maintained in a state of good repair.

- if you abstract >10 and <50 cubic metres of water each day you have to be registered with SEPA

- if you abstract >50 and <2000 cubic metres of water each day you have to obtain a Simple Licence from SEPA

- if you abstract >2000 cubic metres of water each day you have to obtain a Complex Licence from SEPA

2. comply with all the conditions of a water abstraction licence. Some of the conditions relate to:

- abstraction site
- abstraction periods
- maximum daily abstraction volumes
- you must submit an annual data return even if you don't abstract any water

## Further information

Abstracting water for irrigation is covered by the Controlled Activity (CAR) Regulations. For further information, contact SEPA or visit their website by using the following links.

SEPA customer services enquiries - 03000 99 66 99

[CAR abstraction rules](#) (section 4 of 'CAR - A Practical Guide PDF)

[Information on submitting annual data returns](#)

# Protection of groundwater against pollution (GAEC 3)

**Date published: 1 January, 2015**

The aim of these rules is to protect groundwater against pollution.

## **You must:**

1. obtain a licence from the Scottish Environment Protection Agency (SEPA) before disposing of dangerous substances\*, such as waste sheep dip\* to land
2. comply with the conditions of any licence granted to allow or carry out a disposal of dangerous substances, such as waste sheep dip to land. Some of the conditions relate to:
  - identified disposal sites
  - maximum disposal volume
  - only one disposal per site per year
  - dilution rates
  - keeping disposal records

## **You must not:**

1. cause or permit an activity which is likely to cause pollution of groundwater by an indirect or direct discharge of dangerous substances (eg, an overflowing sheep dipper, a leaking diesel tank, inappropriate disposal of pesticide washings or waste tractor oil)

## **Further information**

Disposing of sheep dip to land is covered by the Controlled Activity (CAR) Regulations, for further information contact SEPA or visit their website using the links below.

SEPA customer services enquiries  
Tel: 03000 99 66 99

[Applying for a sheep dip disposal licence \(Licence F\)](#)

[Sheep dipping code of practice](#)

[Diffuse Pollution General Binding Rule \(DP GBR\) 24: operating sheep dipping facilities](#)

## **\*Explanation of terms**

'Substances' means the substances listed in the annex below.

'Sheep dip' includes dips to control external parasites, as well as bloom and purl dips.

## Annex

### List I

1. organohalogen compounds and substances which may form such compounds in the aquatic environment
2. organophosphorus compounds
3. organotin compounds
4. substances which possess carcinogenic mutagenic or teratogenic properties in or via the aquatic environment
5. mercury and its compounds
6. cadmium and its compounds
7. mineral oils and hydrocarbons
8. cyanides

### List II

1. The following metalloids and metals, and their compounds:

- zinc
- copper
- nickel
- chrome
- lead
- selenium
- arsenic
- antimony
- molybdenum
- titanium
- tin
- barium
- beryllium
- boron
- uranium
- vanadium
- cobalt
- thallium
- tellurium
- silver

2. biocides and their derivatives not appearing in List I

3. substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in groundwater and to render it unfit for human consumption

4. toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances

5. inorganic compounds of phosphorous and elemental phosphorous

6. fluorides

7. ammonia and nitrites

## Minimum soil cover (GAEC 4)

**Date published: 1 January, 2015**

The aim of this rule is to protect soil against erosion after harvest until the end of winter ('winter' is up to and including the last day of February).

**You must:**

1. retain the stubble of the previous crop or sow grass or sow another crop, unless:
  - agronomic or weather conditions are such that cultivating land would be detrimental to the use of the land for agricultural production
  - the land is being prepared for sowing the subsequent crop. Secondary cultivations and final seed beds must only be created very close to sowing

# Minimum land management reflecting site specific conditions to limit erosion (GAEC 5)

**Date published: 22 June, 2018**

The aim of these rules is to protect soil against erosion in certain situations.

**You must:**

1. limit the erosion of the banks of watercourses, watering points and feeding areas from overgrazing or heavy poaching by livestock
2. put in place appropriate measures to limit soil erosion if agronomic or weather conditions prevent the subsequent crop or a cover from being sown (appropriate measures could include grubbing, sediment traps and sediment fences)

# Maintenance of soil organic matter (GAEC 6)

**Date published: 7 February, 2019**

The aim of these rules is to maintain soil organic matter levels.

## **You must:**

1. comply with the requirements of the Muirburn Code as they relate to the maintenance of soil organic matter.

The following would be considered to be a breach of the requirements:

- leaving a fire unattended
- being unable to control a fire or having not made provision for its proper control
- causing damage to any woodland

## **You must not:**

1. burn arable stubble except for disease control or to eliminate plant pests
2. plough rough grazing or other semi-natural area\* unless approved as part of an environmental impact assessment (EIA\*)

## **Further information**

The EIA regulations restrict 'intensive' agricultural operations on uncultivated or semi-natural land, or large-scale restructuring projects on agricultural land, where the result would have a 'significant' impact on the environment.

### **\*Explanation of terms**

*'Rough grazing or other semi-natural areas'* is land containing semi-natural vegetation including heathland, heather moorland, bog, unimproved grassland and rough grassland which is used or suitable for grazing.

*'EIA'* relates to The Agriculture, Land Drainage and Irrigation Project (Environmental Impact Assessment) (Scotland) Regulations 2017.



# Retention of landscape features (GAEC 7)

**Date published: 23 December, 2020**

## Retention of landscape features

**The aim of these rules is to protect landscape features.**

### **You must not:**

1. remove or destroy drystone or flagstone dykes, turf and stone-faced banks, walls, hedges, ponds, watercourses or trees (in line, in a group or isolated) without the prior written consent of the Scottish Ministers. Consent is not required to:

- widen field entrances to enable access for livestock or farm machinery
- fell trees which are exempt from or are covered by a 'Felling Licence'\* issued by Forestry Commission Scotland
- fell trees that are dead, diseased, damaged or insecurely rooted and because of its condition it poses a risk to human safety

2. trim hedges or lop branches off trees during the bird nesting and rearing season starting on 1 March and ending on 31 August, unless one of the following exemptions applies:-

**(1)** A hedge or tree may be trimmed/cut from 1 August if the hedge or tree is in a field which will be sown with one of the following crops in that month:-

- oilseed rape
- temporary grass
- another crop subject to prior written consent of Scottish Ministers

This exemption only applies to trimming/cutting the side of the hedge or tree which is adjacent to the oilseed rape, grass, or other crop.

Some birds continue breeding into August and all wild birds, their young, their eggs and active nests are protected by law (Wildlife & Countryside Act 1981). Full information can be found at: [Protected species birds](#).

It is an offence to intentionally or recklessly damage a nest while it is in use or being built and hedge cutting is highly likely to damage nests or cause them to be deserted.

For this reason, before undertaking trimming in August under this exemption, you must check the full length of the hedge for nesting birds. If active nests are found, trimming must be delayed until all birds have fledged.

**(2)** for road safety\* reasons

Hedgelaying\* can be carried out up to and including 31 March

3. cultivate land within two metres of the centre line of a hedge unless one of the following exemptions apply:

- cultivating to establish a green cover where one doesn't already exist. A green cover excludes crops that are grown for a commercial purpose, for example arable crops including crops that are under sown with grass
- cultivating to establish a new hedge

4. apply fertilisers (organic manure, chemical or nitrogen) or pesticides within two metres of the centre line of a hedge unless one of the following exemptions apply:

- applications of fertilisers or pesticides to establish a new hedge. This applies from the time the land is prepared for planting the new hedge to the end of the hedge's third growing season
- spot application of pesticides to control injurious weeds\*, invasive species\* and, after prior written consent of the Scottish Ministers and / or other statutory bodies, certain other weed species.

5. alter, damage or destroy a Scheduled Ancient Monument\* without prior written consent of the Scottish Ministers (known as Scheduled Monument Consent (SMC))

### Further information

'Topping' is permissible within the two metre buffer strip, however Greening rules may apply if this land is also part of your Ecological Focus Area (EFA). Further details on the greening requirements can be found [here](#).

Historic Environment Scotland is responsible for safeguarding Scotland's historic environment and promoting its understanding and enjoyment.

To find out whether there are any Scheduled Ancient Monuments on your land, contact Historic Environment Scotland or search their online register.

Tel: 0131 668 8600

[Historic Environment Scotland](#)

### Explanation of terms

*'Remove or destroy'* does not include trimming a hedge or lopping branches off a tree.

*'Drystone or flagstone dykes, turf and stone-faced banks, walls'* this requirement applies to these features in all states of repair from excellent condition to remnants – see Image 1 below as an example in relation to drystone dykes.

'Hedges' means any hedge which has a length of at least 20 metres or a length of less than 20 metres where it meets another hedge at each end. Any gap of less than 20 metres is treated as being part of the hedge.



**Excellent condition, fully stock proof with no gaps**



**Stock proof and intact with minor defects**



**Major signs of advancing or potential deterioration**



**Not stock proof / in early stages dereliction**



**Derelict**



**Remnants**

*'Scheduled Ancient Monument'* means a monument listed in the Schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(b).

*'Pond'* means a small body of still water formed naturally or by artificial means. This excludes lochs, lochans, lakes or reservoirs.

*'Trees'* means trees with a crown diameter greater than four metres.

'Felling Licence' as provided for under section 9 of the Forestry Act 1967.

'Road safety' means where a hedge or tree:

- overhangs a road, surfaced track or footpath to which the public have access so as to endanger or obstruct the passage of vehicles, pedestrians or horse riders; or
- obstructs or interferes with the view of drivers of vehicles or the light from a public lamp

'Hedgelaying' means a traditional method of cultivating hedges where tall saplings are partly cut through near the base and then bent over so that they lie horizontally to make a thick barrier.

'Injurious weeds' are species specified in the Weeds Act 1959: Spear Thistle (*Cirsium vulgare* (Savi) Ten.), Creeping or Field thistle (*Cirsium arvense* (L.) Scop.), Curled dock (*Rumex crispus* L.), Broad-leaved dock (*Rumex obtusifolius* L.) and Common Ragwort (*Senecio jacobaea* L.).

'Invasive species' means giant hogweed (*Heracleum mantegazzianum*), Japanese Knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).

## Recent changes

Section	Change
<a href="#">Retention of landscape features</a>	Guidance updated to add reference to the Wildlife and Countryside Act 1981.

# Nitrate Vulnerable Zones (SMR 1)

**Date published: 1 January, 2015**

The aim of these rules is to reduce the pollution of waters caused by nitrates from agricultural sources and to prevent such pollution occurring in the future.

They apply to land within a Nitrate Vulnerable Zones (NVZ).

If you farm land in a NVZ you must comply with the conditions of the NVZ action programme.

Full details of the NVZ Action programme can be found in the [NVZ guidance for farmers booklets](#) published on the Scottish Government website. Information on the revised NVZ locations (from 1 January 2016) can be found on the [NVZ pages](#) of the Scottish Government website.

These are the key requirements of the action programme rules:

## **You must:**

1. prepare and implement a Fertiliser and Manure Management Plan before 1 March each year. This must contain the following elements if relevant to your business:

- Risk Assessment for Manures and Slurries (RAMS) map
- a calculation and record of the capacity of slurry storage facilities
- a calculation and record of the 170 kg/N/ha loading limit for livestock manure
- an Nmax (maximum permitted amount of nitrogen from any source that a crop can receive) calculation for each crop type grown on the farm, including grassland

2. keep adequate records for each year, containing the following information:

- the area of each field within the NVZ
- the soil type in each field
- the crop or crops grown in each field
- the quantity and type of chemical and organic fertiliser applied to each field and the date of application
- the number of livestock kept on the farm, detailing the species, the age category and the length of time kept on the farm
- the type and quantity of any livestock manure is moved onto or off of the farm
- the date that any livestock manure is moved onto or off of the farm
- the nitrogen content of any livestock manure moved onto or off of the farm
- the name and address of the person receiving or supplying the manure
- the quantity and type of chemical fertiliser brought onto the farm, used on the farm and retained on the farm

3. make sure that all storage facilities for livestock manure and silage effluent are maintained so that they are structurally sound and do not leak

**You must not:**

- exceed the Nmax for any crop type
- apply chemical fertiliser or organic manure with a high available nitrogen content during the relevant closed period
- exceed the relevant farm and field-based limits for organic manure
- apply any kind of nitrogen fertiliser when the land is waterlogged, flooded or covered by snow
- apply any kind of nitrogen fertiliser on soil that has been frozen for 12 hours or longer in the preceding 24 hours
- apply organic manure within 10 metres of any surface water
- apply organic manure within 50 metres of any well, borehole which provides drinking water
- store livestock manure in a temporary field heap for longer than 12 months

## Conservation of wild birds (SMR 2)

**Date published: 7 February, 2019**

The aim of these rules is to protect wild birds, their eggs and nests. This SMR 2 relates to all farmers and all land with additional rules if you have land classified as a Special Protection Area (SPA).

### **You must not:**

Carry out any activities which are likely to result in the disturbance of birds or the deterioration of habitats affecting birds, e.g.

- cutting/trimming hedges in the bird breeding and rearing season (1 March and 31 August) without an exemption (see GAEC 7)
- cutting or lopping branches off trees in the bird breeding and rearing season (1 March and 31 August) without an exemption. (see GAEC 7)
- ploughing/reseeding rough grazing or other semi-natural areas unless approved as part of an environmental impact assessment (EIA\*) (see GAEC 6)
- draining wetlands areas unless approved as part of an environmental impact assessment (EIA\*)
- removing/burning scrub and gorse in the bird breeding and rearing season (1 March and 31 August)
- carrying out muirburn\* outside the burning season (standard muirburn season runs from 1 October to 15 April inclusive)

### **Special Protection Area (SPA)**

SPAs are sites which are designated under the Birds Directive due to their international importance for threatened habitats and species.

Many SPAs are also designated as Sites of Special Scientific Interest (SSSI). Special Protection Areas are an additional level of protection which recognises their international importance.

There are 153 of them in Scotland.

### **If you have a Special Protection Area on your land**

#### **You must:**

1. get Scottish Natural Heritage's (SNH) consent in writing before carrying out, causing or permitting any specified operation listed in an SSSI's legal documents - referred to as Operations Requiring Consent (ORC) - or listed within a special nature conservation order
2. comply with all management notices served by Scottish Natural Heritage or the terms of any restoration order served by a court relevant to the purpose of the Special Protection Area

#### **You must not:**

1. intentionally or recklessly destroy or damage the special interest features of the area or disturb any fauna that are a special interest feature (this requirement can apply to actions that take place other than on the Special Protection Areas itself but which have the same consequence)

You will not break the rules above, if:

- you have a planning permission to carry out the work
- you have consent from a public body or statutory authority that has complied with its duty to consult Scottish Natural Heritage before giving it consent
- it is an emergency operation (provided that Scottish Natural Heritage is told as soon as possible after the emergency)

### **\*Explanation of terms**

'EIA' relates to The Agriculture, Land Drainage and Irrigation Project (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **Further information**

You can find out more information about Special Protection Areas, including whether your land is in a SPA, by contacting your [local Scottish Natural Heritage office](#) or by visiting the [Special Protection Areas](#) pages of the Scottish Natural Heritage website.



# Conservation of flora and fauna (SMR 3)

**Date published: 1 January, 2015**

The aim of these rules is to conserve land designated as a Special Area of Conservation (SAC).

SACs are sites which are designated under the Habitats Directive due to their international importance for threatened habitats and species. Many SACs are also designated as Sites of Special Scientific Interest (SSSI).

SACs are an additional level of protection which recognises their international importance. In Scotland there are 239 SACs.

If you have Special Areas of Conservation on your land.

## **You must:**

1. get Scottish Natural Heritage's (SNH) consent in writing before carrying out, causing or permitting any specified operation listed in an SSSI's legal documents - referred to as Operations Requiring Consent (ORC) - or listed within a special nature conservation order
2. comply with all management notices served by SNH or the terms of any restoration order served by a court relevant to the purpose of the SAC (a management notice legally obliges the recipient to carry out certain activities)

## **You must not:**

1. intentionally or recklessly destroy or damage the special interest features of the area or disturb any fauna that are a special interest feature. This requirement can apply to actions that take place other than on the SAC itself but which have the same consequence

You will not break the rules above, when:

- you have a planning permission to carry out the work
- you have consent from a public body or statutory authority that has complied with its duty to consult SNH before giving it consent
- it is an emergency operation (provided that SNH is told as soon as possible after the emergency)

## **Further information**

You can find out more information about Special Areas of Conservation, including whether your land is in a SAC by contacting your [local Scottish Natural Heritage office](#) or by visiting the [Special Areas of Conservation](#) pages of the Scottish Natural Heritage website.

# Food and feed law (SMR 4)

**Date published: 1 January, 2015**

The aim of these rules is to ensure the safe production of food for human consumption and food or feed that is fed to food-producing animals.

**You must:**

## **Food and feed safety, withdrawal and recall:**

1. arrange for unsafe food or unsafe feed to be withdrawn from the market if you believe you have supplied it, and inform both your local authority and Food Standards Scotland (FSS)
2. destroy any unsafe feed unless the competent authority tells you not to do so
3. tell consumers of food, or the users of the feed, of the reason for any withdrawal if it may have reached them
4. arrange for unsafe food or unsafe feed to be recalled if there is no other way of achieving a sufficiently high level of health protection
5. immediately tell both your local authority and the FSS if food which you have supplied, or is in your possession and you intend to sell, could be harmful to health and of the actions you have taken to prevent risks to the final consumer. In the case of feedstuffs containing veterinary medicinal products (medicated feedstuffs) and / or specified feed additives (coccidiostats or histomonostats) at levels greater than their prescribed or authorised levels, or feedstuffs which are contaminated with such products, which may be harmful to health, the Veterinary Medicines Directorate (VMD) should also be informed

## **Traceability**

6. put in place systems and procedures for the traceability of inputs (for example food, feed, food-producing animals and any other substance intended or expected to be incorporated into a feed) to your farm, which identify:
  - the name and address of your supplier
  - the type and quantity of inputs that were supplied to you
  - the date of the delivery of these inputs to your farm
7. put in place systems and procedures for the traceability of products when they leave your farm, which identify:
  - the name and address of the businesses you supplied
  - the nature and quantity of the products that were supplied to those businesses
  - the date on which the products left your farm
8. store this information in a format which is readily available and produce it when requested

## Hygiene of foodstuffs and feed hygiene

9. store and handle waste and hazardous substances (any substances that have the potential to cause an adverse effect on human health or animal health) separately and securely, in order to prevent contamination of your food products or feed products

10. take account of the results of any relevant analysis carried out on samples taken from primary products or other samples relevant to feed safety

11. store feed away from chemicals or any other products banned for use as animal feed

12. keep storage areas and containers clean and dry and implement appropriate pest-control measures where necessary. Take particular care when cleaning storage areas and containers which are used to contain medicated and non-medicated feed

13. store seed properly and in such a way that it is not accessible to animals

14. handle medicated and non-medicated feeds separately to prevent cross-contamination and store medicated feeds in such a way so they can't be fed by mistake to animals for which they're not intended

15. make sure the on-farm feed distribution system sends the right feed to the right destination. During distribution and feeding, feed must be handled in such a way as to ensure that contamination does not occur from contaminated storage areas and equipment

16. periodically clean on-farm feed transport vehicles and feeding equipment, in particular when used to deliver and distribute medicated feed

17. use feed additives, veterinary medicinal products and biocides correctly (if you use them on your farm) with dosage, application and storage as stated on the label or as prescribed. This includes making sure that food you produce does not contain residues of pesticides or veterinary medicinal products that are higher than the permitted maximum residue level for the pesticide used or the maximum residue limit for the medicine used

18. take adequate measures to prevent the introduction and spread of contagious diseases transmissible to humans through food such as abiding by the statutory herd testing for bovine tuberculosis (TB). This means carrying out all TB tests (for example routine tests, inconclusive reactor tests, tracing tests, etc) within the relevant timescales

19. source and use feed, for food-producing animals, from establishments that are registered or approved by your local authority. In the case of feed containing specified feed additives, source the feeding stuffs from establishments that are approved by the Veterinary Medicines Directorate

20. take appropriate remedial action when informed of problems identified during official controls

21. keep up-to-date records on all of the following, if they are relevant to your business and make them available on request to an inspector:

- veterinary medicinal products, or other treatments, given to your animals (including the dates of the treatment and the withdrawal period)
- the use of plant protection products and biocides
- the results of any analyses carried out on samples taken from food-producing animals, plants, animal feed or other samples taken for diagnostic purposes that have importance for human and animal health
- any relevant reports on checks carried out on animals or products of animal origin
- any use of genetically modified seeds in feed production

**If you are a producer of raw milk (from any species), or handle raw milk or produce colostrum, the following extra rules apply:**

22. make sure that raw milk and colostrum comes from animals that:

- are in a good general state of health
- show no sign of disease that might result in the contamination of milk or colostrum. In particular, not suffering from any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder
- do not have any udder wound likely to affect the milk or colostrum
- are not within the prescribed withdrawal period following the administration of authorised products or substances
- have not been given any unauthorised substances or products

23. make sure that:

- raw milk and colostrum comes from animals belonging to herds/holdings which have disease-free status for tuberculosis and brucellosis
- if your herd or holding is not disease-free you may sell raw milk from your non-reactor animals if you are selling to a wholesaler who will heat treat the milk before marketing it for human consumption, or the raw milk is from sheep or goats and is intended to be made into cheese that has a maturation period of at least two months
- make sure that raw milk and colostrum from any animal not complying with these requirements is not placed on the market for human consumption

24. effectively isolate animals that are infected, or suspected of being infected, with brucellosis or tuberculosis so that there is no adverse effect on other animals' milk

25. make sure that milking equipment and the premises where raw milk and colostrum are stored, handled or cooled are located and constructed to limit the risk of contamination of milk and colostrum

26. make sure that premises used for the storage of raw milk and colostrum:

- are protected against vermin, including birds and birds' nests, and adequately separated from premises where animals are housed
- have suitable refrigeration equipment in order to meet the post-milking cooling rules

27. make sure the surfaces of equipment that come into contact with raw milk or colostrum are easy to clean and disinfect (where this is necessary)

28. clean (and disinfect where necessary) the surfaces of equipment that come into contact with raw milk or colostrum after each use, and maintain in a sound condition

29. carry out milking hygienically, especially making sure that:

- before milking starts the teats, udder and adjacent parts are clean
- you satisfactorily identify animals undergoing any medical treatment which is likely to transfer residues to the milk or colostrum
- raw milk or colostrum from any animals that are still within the withdrawal period after receiving medication is not used for human consumption

30. hold raw milk in a clean place, designed and equipped to avoid contamination, immediately after milking. The milk must be cooled immediately to:

- not more than 8°C if it is collected daily
- not more than 6°C if it is not collected daily

You will not break the rule to cool raw milk immediately after milking if the milk is going to be processed within two hours of milking or you have received permission from the competent authority because of the dairy products that will be made from this milk.

31. hold colostrum in a clean place, designed and equipped to avoid contamination, immediately after milking. Colostrum must be stored separately and be cooled immediately to:

- not more than 8°C if it is collected daily
- not more than 6°C if it is not collected daily or it must be frozen

**If you are an egg producer the following additional rules apply:**

32. keep eggs clean and dry, free of strong odour, effectively protected from shocks and out of direct sunshine

**You must not:**

**Food and feed safety, withdrawal and recall:**

1. place unsafe food or unsafe feed on the market
2. feed unsafe feed to food producing animals

**Further information**

For information and general enquiries about food and feed safety or to report an incident, call Food Standards Scotland on 01224 285100.

For emergencies/incidents please call 01224 285138 or 01224 285196.

Or visit their website [Food Standards Scotland](#)

Find out more about bovine TB from the Scottish Government and the Animal and Plant Health Agency.

[Scottish Government](#)

[Animal and Plant Health Agency](#)

# Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals (SMR 5)

**Date published: 1 January, 2015**

The aim of these rules is to prohibit the illegal use in stock farming of substances that have a hormonal or thyrostatic action and beta-agonists.

The rules also aim to prevent the residues these substances leave in meat and other foodstuffs from entering the human or animal food chain.

## **You must:**

1. observe the relevant withdrawal period if your food-producing animals have been given any of the restricted substances in line with the permitted exceptions
2. make veterinary medicinal records relating to restricted substances available to the competent authority, or anyone acting on behalf of the competent authority, on request

## **You must not:**

1. give food-producing animals restricted substances\* (unless in line with any permitted exceptions\*)
2. have substances on your farm that contain beta-agonists to induce tocolysis in cows when calving (for example, clenbuterol hydrochloride)
3. have food-producing animals on your farm to which a restricted substance has been administered (unless given in line with any permitted exceptions)
4. place on the market, or send to slaughter for human consumption, any animal to which a restricted substance has been administered (unless given in line with any permitted exceptions)
5. place on the market meat, or any other animal product, derived from an animal to which any restricted substance has been administered (unless given in line with any permitted exceptions)

## **Further information**

The Product Information Database on the Veterinary Medicines Directorate website contains the most up-to-date information on medicines authorised for use in farm animals in the UK.

The database includes any withdrawal periods.

Veterinary Medicines Directorate: tel 01932 336911

[Product Information Database](#)

### **\*Explanation of terms**

*'Restricted substances'* means thyrostatic substances, stilbenes, stilbene derivatives, their salts and esters, oestradiol 17 $\beta$  and its ester-like derivatives and substances having oestrogenic, androgenic or gestogenic action and beta-agonists.

*'Exceptions'* exist for the use in certain circumstances of veterinary medicines containing testosterone, progesterone, allyl trenbolone and beta-agonists, and having oestrogenic, androgenic or gestagenic action.



# Pig identification and registration (SMR 6)

**Date published: 1 January, 2015**

The aim of these rules is to maintain a system for the identification, registration and traceability of pigs.

**You must:**

## **Registration and identification**

1. register your details with your local Rural Payments and Inspections Division (RPID) office within 30 days from the date you first keep pigs:

- you must also inform your local Animal Plant and Health Agency office (APHA) where you are going to keep pigs and they will give you a herdmark for your holding
- notify them of any change to your details (including if you stop keeping pigs) within 30 days of the change

2. correctly identify your pigs (depending on their age and destination) before they leave your holding:

- pigs must be identified with an eartag, tattoo or a slapmark
- pigs moving to a market or slaughterhouse must be identified with an eartag, tattoo or slapmark
- pigs less than 12 months old can be identified with a temporary mark, such as a paint mark, when moving between farms
- pigs moving to a show or exhibition, a semen collection centre, for breeding purposes, intra-community trade or export or under a walking licence must be identified with an eartag or a tattoo with a unique identification number

## **Movements**

3. notify ScotEID\* whenever you move a pig, either prior to the movement taking place or on the day of the movement. The notification must specify the following information:

- the full address, including postcode and County Parish Holding (CPH) number, of the holding from and to which the pigs are being moved
- the date of the movement
- the number of pigs moved
- the identification mark of each pig moved
- in the case of pigs moved from a market, the lot numbers of the pigs being moved

## **On-farm records:**

4. once a year, record the number of pigs on your holding in your holding register

5. you can keep your register, in any format you wish. However, it must contain at least the following information:

- the name and address of the keeper, including CPH number
- the date the pigs were moved
- the temporary mark or identification number, including the unique individual identification number, if applicable\*
- the number of pigs moved
- the address and CPH number where the pig(s) were moved from
- the address and CPH number where the pig(s) were moved to

6. this information must be recorded in the holding register within 48 hours of a movement on or off your holding. You must make sure that these on-farm records are up to date, kept for at least three years and are available on request to an inspector

**You must not:**

**Registration and identification**

1. remove or replace identification without permission from your local authority unless it is lost, illegible or removed for welfare reasons. In all cases you must replace the identification appropriately

**Further information**

The 'Pig Identification and Registration – Guidance for Keepers in Scotland' gives full guidance on how to comply with the pig identification and registration rules, and can be found on the Scottish Government website:

[Pig Identification and Registration](#)

**\*Explanation of terms**

'*ScotEID*' is the movement reporting database used to notify Scottish Government when pigs are moved.

'*If applicable*' for moves to shows or exhibitions, for breeding purposes (if the pigs are returning to the holding), to semen collection centres, for intra-community trade or export, or under a walking licence this must include a unique identification number.

# Cattle identification and registration (SMR 7)

**Date published: 18 January, 2017**

The aim of these rules is to maintain a system for the identification, registration and traceability of cattle.

## **You must:**

### **Eartags**

1. Tag all calves born on your holding, or cattle imported from outside the European Union (EU)\* with Defra-approved eartags\* within the following timescales:

- dairy calves – with one eartag within 36 hours of birth and with the second eartag within 20 days of birth
- bison calves – within nine months of birth or when they are separated from their mother if this is earlier
- other calves – within 20 days of birth
- all animals leaving your holding – with both tags before they leave
- cattle imported from outside the EU – within 20 days of release from import checks

2. Replace illegible or lost eartags within 28 days of noticing the damage or loss\*

### **Notifications**

3. Notify births on your holding to ScotEID within seven days of tagging by making an application for a passport to ScotEID through an approved channel.\*

4. Notify cattle imported from within the EU, but outside Great Britain, within 15 days of its arrival on your holding by including the Health Certificate, the list of animals, and original passports to ScotEID.

5. Notify cattle imported from outside the EU within 15 days of tagging the animal and no later than 35 days from its release from import checks by sending details, including the Health Certificate, the list of animals and original passports to ScotEID.

6. Notify ScotEID through an approved channel\* of any movements of cattle onto and off your holding within three days of the movement. If you elect to use ScotMoves to notify within-business moves, the notification period to ScotEID is three days.

7. Notify ScotEID through an approved channel\* of any cattle deaths on your holding within seven days of the date of death\*. If your chosen method is to complete the death details section of the passport, you must return the passport to ScotEID within seven days of the date of the death.\*

8. Notify ScotEID by returning the passport of any lost or stolen animal within seven days of becoming aware of the loss or theft.

### **On-farm records (herd register)**

9. Keep on-farm records for your holding, which include the following appropriate details for each animal:

- official eartag number
- dam's official eartag number
- date of birth
- sex
- date of movements on and off your holding
- details of where the animal has moved to or from
- breed
- date of death

10. Complete the herd register within the following timescales:

- movements – 48 hours of the movement taking place
- birth of a dairy calf – seven days
- birth of any other calf – 30 days
- a death – seven days
- eartag replacement where the eartag number is changed – 36 hours of the replacement

11. Holding registers must be retained for 10 years from the end of the calendar year in which the last entry was made. Other registers (e.g. those kept at markets) must be retained for three years from the end of that year.

**You must not:**

**Tagging**

1. Remove or replace eartags without permission from Scottish Ministers (obtained through BCMS or ScotEID), except when replacing lost or illegible tag
2. Alter, obliterate or deface an eartag

**Further information**

Full guidance on how to comply with identification rules can be found here:

[Livestock identification and traceability guidance - Scottish Government website](#)

**\*Explanation of terms**

*'Cattle imported from within the EU'* must keep their original identification.

*'Eartags'* should be applied one in each ear and bear the same unique identification code. You can get these from the manufacturers listed on our website.

*'Replacement eartags'* should bear the same number if cattle were born after 1 January, 1998. For older cattle a new tag number may be used and a new passport requested.

\*\* *'Approved channels'* are the ScotEID website, helpline, via an agent or supported software provider.

If an animal is slaughtered outside a slaughterhouse but sent to a slaughterhouse for dressing, you must complete the '*death details section*' in the passport and send it with the animal to the slaughterhouse. Responsibility then lies with the occupier of the slaughterhouse to return the passport to ScotEID within seven days of the death.

If the other methods are chosen, the Cattle Identification Regulations 2007 (as amended) require you to return the passport within '*seven days of the date of death*'. This is not a Cross Compliance rule, but failure to do so is an offence under the Cattle Identification Regulations.

# Sheep and goat identification (SMR 8)

**Date published: 7 February, 2019**

The aim of these rules is to maintain a system for the identification, registration and traceability of sheep and goats.

## **You must:**

### **Identification**

1. identify all sheep and goats with the correct means of identification within six months of birth for intensively farmed animals and nine months for extensively farmed animals, or before they leave the holding of birth, whichever is sooner
2. for intra-community trade, identify sheep and goats with two identically numbered eartags. If identified on or after 31 December, 2009, one identifier must be electronic
3. replace any lost or illegible means of identification within 28 days of noticing their loss or illegibility or before the animal leaves the holding, whichever is the earlier
4. only keep sheep or goats identified with a single slaughter tag beyond the age of 12 months if the animals are completely traceable. You must then replace the single means of identification with two new identifiers. For sheep, one of the identifiers must be electronic

### **Record keeping**

5. for animals born and identified before 31 December, 2009 keep on-farm records with the required information, including:
  - details of the movement of sheep and goats on and off your holding, including:
    - the date of the movement
    - the number of animals moved
    - the destination or origin of the animals moved
    - the transport details for the animals leaving your holding
  - additionally, for animals born or identified on or after 31 December, 2009 these details must include:
    - the individual identification numbers of individually identified animals and in the case of batches of animals identified with a single slaughter tag which originate from different holdings of birth, the number of animals with each different flock/herd mark
    - in the holding of birth, the individual identification number of the animal, number of animals identified, year of birth and date of identification
    - the breed and, if known, the genotype
    - the individual identifier, month and year of death of an animal on the holding
  - for all animals, an annual inventory of the animals kept at 1 December

6. make sure that these on-farm records are up to date, kept for at least three years from the last day when an animal referred to in the register dies or leaves the holding and are available on request to an inspector

**You must not:**

**Identification**

1. alter, obliterate or deface any means of identification attached to an animal. However you may apply additional management information provided the legibility of the UK flock mark or UK individual ID number is not affected

**Further information**

The 'Sheep and Goat Identification and Traceability – Guidance for Keepers in Scotland' gives full guidance on how to comply with the sheep and goat identification rules.

# Prevention and control of transmissible spongiform encephalopathies (TSEs) (SMR 9)

**Date published: 14 November, 2017**

The aim of these rules is to minimise the risk posed to human and animal health by certain transmissible spongiform encephalopathies (TSEs). They apply to you if you keep farmed animals.

## **You must:**

1. notify the duty veterinary officer of your local Animal and Plant Health Agency office immediately if you know or suspect that an animal or carcass in your possession, or under your charge, is infected with a transmissible spongiform encephalopathy (TSE)
2. fully comply with any movement restrictions imposed
3. fully comply with any order to slaughter and destroy any animal
4. fully comply with any other notices served by an inspector
5. fully comply with the inquiry carried out by an inspector to identify all animals at risk

## **You must not:**

1. feed animal protein, or any feeding stuff that contains animal protein, to ruminants\*, with the exception of the following (subject to required sourcing and processing, for example, it cannot be catering waste):

- milk, milk-based products and colostrums
- eggs and egg products
- gelatine from non-ruminants
- hydrolysed proteins derived from non-ruminants or from ruminant hides and skins
- milk replacer powder for unweaned ruminants containing fishmeal\*

If you are intending to feed any of the above animal protein to ruminants you must visit the [UK Government website](#) for full details.

2. feed products containing prohibited proteins\* to any farmed animals, or mix prohibited proteins with feedstuffs
3. use restricted proteins\* to produce feed for non-ruminants unless you have received authorisation from competent authority
4. use feed products containing restricted proteins on a farm where there are ruminants present unless you are registered with competent authority



5. export from the UK any bovine animal born or reared in the United Kingdom before 1 August, 1996
6. place on the market or export any products consisting of or incorporating any material (other than milk) derived from a bovine animal born or reared in the United Kingdom before 1 August, 1996
7. place on the market or export first generation offspring, the semen, ova or embryos of cattle, sheep or goats (of any age) without fully complying with the documentation requirements and restrictions applying to the sale or export of such products
8. move any cattle born or reared in the UK before 1 August, 1996 from their registered premises unless you have obtained a movement licence from the Animal and Plant Health Agency

### Further information

Mineral-derived versions of dicalcium phosphate and tricalcium phosphate are permitted for all livestock and are most commonly used. Feed labels which do not specify 'animal origin' can be taken to be mineral.

For more information on TSEs or for contact details of your local Animal and Plant Health Agency office, please visit their website.

#### [Animal and Plant Health Agency](#)

To receive an application form to move cattle born or reared in the UK before 1 August, 1996 from their registered premises, also visit the Animal and Plant Health Agency website

#### [Animal and Plant Health Agency – movement licence](#)

#### **\*Explanation of terms**

'*Ruminant*' includes: cattle, sheep, goats, camelids, bison, buffalo, deer, antelope and wildebeest.

You can only feed liquid milk replacer to unweaned ruminants containing '*fishmeal*' if the manufacturer is authorised to make milk replacer powder containing fishmeal and you are registered to feed such replacer to ruminants.

'*Prohibited proteins*' are processed animal protein (with specific exemptions) and gelatine from ruminants, for example gelatine (including in surplus food).

'*Restricted proteins*' are animal proteins restricted to non-ruminant feed production (fishmeal, blood products of non-ruminant origin, dicalcium phosphate and tricalcium phosphate of animal origin). Also included are processed animal proteins of non-ruminant origin, including pig and poultry meal, for aquaculture animals.

# Restrictions on the use of plant protection products (SMR 10)

**Date published: 11 January, 2018**

The aim of these rules is to ensure that plant protection products\* are used correctly and to minimise their risk to humans, animals and the environment.

## **You must:**

1. Use the authorised or permitted plant protection product in accordance with any requirements or conditions of the authorisation, permit or in any extension of use

- products must be authorised or permitted for use on the crop, land or situation
- products must be authorised for method of application
- observe application dates/harvest intervals
- follow the maximum dose/concentration
- follow the maximum number of applications

2. Comply with label conditions for the authorised or permitted plant protection product, for example:

- safe storage (e.g. keep out of reach of children, in original containers, protected from frost and stored to prevent environmental contamination)
- safe disposal (e.g. empty containers disposed of safely and containers not reused)
- operator safety (e.g. Personal Protective Equipment (PPE) available for use when handling concentrate)
- general warnings (e.g. extreme care should be taken to avoid spray drift)

There are record-keeping requirements for plant protection products. These fall within the Cross Compliance rules for [SMR 4 – Food and feed law](#).

## **You must not:**

1. use any plant protection product unless it is authorised or has a valid parallel trade permit

## **Further information**

[Scottish Government pesticide pages](#)

[The Code of Practice for Using Plant Protection Products](#)

[Chemicals Regulation Division](#)

[Health and Safety Executive guidance on storing pesticides for farmers and other professional users](#)

## **\*Explanation of terms**

Plant Protection Products are 'pesticides' that protect crops.

A 'pesticide' is something that prevents, destroys, or controls a harmful organism ('pest') or disease, or protects plants or plant products.

The term includes, amongst others: herbicides, fungicides, insecticides, acaricides, nematocides, molluscicides, rodenticides, growth regulators, repellents, rodenticides and biocides.

# Welfare of calves (SMR 11)

**Date published: 1 January, 2015**

The aim of these rules is to protect the welfare of calves by setting minimum standards for their care and husbandry. These rules apply in addition to the rules for the [Welfare of farmed animals \(SMR 13\)](#).

**You must:**

## **Inspection**

1. inspect all housed calves at least twice a day, and those kept outside at least once a day

## **Accommodation and freedom of movement**

2. make sure that individual stalls or pens satisfy the minimum width and length rules and that they have perforated walls which allow the calves to see each other and have physical contact with one another (except for those isolating sick animals\*):

- width rule: must be at least equal to the height of the calf at the withers, when measured in the standing position
- length rule: at least equal to the body length of the calf (measured from the tip of the nose to the rear of the pin bone (tuber ischii), multiplied by 1.1

3. make sure that each of your calves can stand up, turn around, lie down, rest and groom itself without difficulty

4. make sure that each calf, when kept in a group, has its minimum allowance of unobstructed floor space\*:

- at least 1.5 square metres for each calf with a live weight of less than 150kg
- at least two square metres for each calf with a live weight of 150kg or more but less than 200kg
- at least three square metres for each calf with a live weight of 200kg or more

5. provide flooring, for those calves kept in buildings, that is:

- smooth but not slippery
- designed so there is no injury or suffering to the calves standing or lying on it
- suitable for the size and weight of the calves
- rigid, even and stable

## **Environment**

6. for calves kept in artificially lit buildings, provide artificial lighting for a period that is at least equal to the period of natural light normally available between 9am and 5pm

7. clean and disinfect housing and equipment used for your calves. Remove dung, urine and leftover food as often as necessary to reduce smells and avoid attracting flies or rodents

8. keep all housed calves on, or at all times give them access to, a lying area that is clean, comfortable, well drained and has dry bedding

9. give all calves appropriate bedding

### **Feed, water and other substances**

10. feed all weaned calves at least twice a day

11. make sure when feeding group-housed calves that each calf either:

- has access to feed at the same time as the others in the feeding group
- has continuous access to feed
- is fed by an automatic feeding system

12. give all your calves fresh drinking water at all times in hot weather conditions or when they are ill

13. make sure that each calf receives bovine colostrum as soon as possible after it is born and within the first six hours of life

14. give all calves food that contains enough iron, to ensure a blood haemoglobin level of at least 4.5mmol/litre

15. provide the specified minimum daily ration of fibrous food for each calf above two weeks old. The daily fibrous food ration rises in line with the growth of the calf - starting at 100g at two weeks old and rising to 250g at 20 weeks

### **You must not:**

#### **Accommodation and freedom of movement**

1. keep a calf in an individual stall or pen after the age of eight weeks (unless it needs to be isolated to receive treatment)\*

2. muzzle your calves

3. tether your calves. This rule will not be broken if tethers are applied to group-housed calves, for up to one hour, when you are feeding them milk or milk substitute. In this case any tether must be regularly inspected and adjusted to make sure that it does not cause pain or injury to the calf and allows it to lie down, rest, stand up and groom itself



**\*Exemptions**

These rules do not apply to holdings with fewer than six calves or calves kept with their mothers for suckling.

# Welfare of pigs (SMR 12)

**Date published: 1 January, 2015**

The aim of these rules is to protect pigs by setting minimum standards for their care and management and welfare. These rules apply as well as the rules for the welfare of farmed animals (SMR 13).

**For all pigs\*:**

**You must:**

## **Accommodation and buildings**

1. make sure that each of your pigs is free to turn around without difficulty at all times, including while tethered (where this is allowed)
2. make sure that the accommodation for your pigs allows them to:
  - stand up, lie down and rest without difficulty
  - have a clean, comfortable and adequately drained place in which to rest (including making sure that any bedding is clean, dry and not harmful to the pigs)
  - see other pigs (unless the pig is isolated for veterinary reasons or for farrowing)
  - maintain a comfortable temperature
  - have enough space to allow all of them to lie down at the same time
3. make sure that individual stalls or pens satisfy the minimum size rules (see table 1.0 – these do not apply in certain excepted situations)
4. provide artificial lighting of at least 40 lux for at least eight hours each day, for pigs kept in an artificially lit building
5. provide flooring, for those pigs kept in building, that is:
  - smooth but not slippery
  - suitable for the size and weight of the pigs
  - rigid, even and stable, if there is no litter
  - designed, constructed and maintained so there is no injury or suffering to the pigs standing or lying on it
6. provide flooring of the correct measurements (for openings and slats) if you use concrete slatted floors (see table 1.1 below – this applies for all pigs in groups)

## **Feed, water and environmental enrichment**

7. make sure that when feeding group-housed pigs each pig either:
  - has access to feed at the same time as the others in the feeding group
  - has continuous access to feed
  - is fed by an automatic feeding system

8. give all pigs above two weeks old permanent access to a sufficient supply of fresh drinking water

9. give permanent access to enough manipulate material which allows proper investigation and manipulation, for example, straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not upset the health of your animals

### **Prevention of fighting**

10. take measures to prevent fighting which goes beyond normal behaviour. If you keep pigs together, keep those pigs separate which show persistent aggression or are victims of that aggression

### **You must not:**

### **Accommodation and buildings**

1. keep pigs in high temperature / high humidity environment known as the 'sweat-box system'

2. expose your pigs to constant or sudden noise, or levels above 85 decibels in any building where you keep pigs

### **Tethering**

3. tether pigs at any time

- you will not break the rule relating to the tethering of pigs if it is done for veterinary purposes. In these cases any tether must be regularly inspected and adjusted to make sure that it does not cause pain or injury to the pig. And allows the pig to lie down, rest, stand up and groom itself



## (1.0) Minimum size rules for stalls and pens

Pens	Guidance
Size of individual stall or pen	<p>Inside area: must be at least equal to the square of the length of the pig</p> <p>Sides: no side must be less than 75 per cent of the length of the pig</p> <p>The length of the pig is measured from the tip of its snout to the base of its tail when standing with its back straight</p>
Exceptions to minimum size requirements	<ul style="list-style-type: none"> <li>• a female pig for the period between seven days before the predicted day of her farrowing and the day on which her piglets are weaned (including any piglets fostered by her)</li> <li>• keeping a pig in a stall or pen for veterinary purposes</li> <li>• keeping a pig in a stall or pen for the purposes of servicing, artificial insemination or collecting semen</li> <li>• keeping a pig in a stall or pen while it is fed</li> <li>• keeping a pig in a stall or pen for the purposes of marking, washing or weighing it</li> <li>• keeping a pig in a stall or pen while its accommodation is being cleaned</li> <li>• keeping a pig in a stall or pen while it is waiting to be loaded for transportation</li> </ul> <p>However, the period during which you keep the pig must not be longer than needed for that purpose</p> <p>The requirements for a minimum size of stall or pen also do not apply if it is referring to a stall or pen that the pig can enter or leave when it wants</p> <p>In this case the stall must be entered from another stall or pen where the pig is normally kept and which does comply by the minimum standards</p>

## (1.1) Measurements of concrete slatted floors when keeping pigs in groups:

Type	Definition	Maximum width of openings (directive requirement)	Tolerance*	Acceptable maximum gap width	Minimum width of slats
Piglet	Pig from birth to weaning	11mm	No tolerance	11mm	50mm
Weaner	Pig from weaning to the age of 10 weeks	14mm	10-14mm +/-2mm	16mm	50mm
Rearer	Pig from the age of 10 weeks to slaughter or service	18mm	14-18mm +/- 3mm	21mm	80mm
Gilt	Female pig between service and first farrowing	20mm	14-20mm +/- 3mm	23mm	80mm
Sow	Female pig after the first farrowing	20mm	14-20mm +/- 3mm	23mm	80mm
Boar	Male pig after puberty, intended for breeding	20mm	14-20mm +/- 3mm	23mm	80mm

\*European Commission guidance (2012) indicates that, due to agreed European manufacturing tolerances in precast concrete, for weaner pigs to adults a +2mm or

+3mm gap tolerance should be allowed depending on type of pig. Note, that there is no tolerance for gaps for piglets or for slat width which must achieve the minimum.

### **For all boars\*:**

#### **You must:**

1. place and build boar pens to allow the boars to turn around and hear, see and smell other pigs
2. provide clean resting areas in the boar pens and make sure that the lying area is dry and comfortable
3. make sure that each boar has its minimum allowance of unobstructed floor space:
  - each adult boar must have at least six square metres of unobstructed floor space
  - if used for natural service the floor area must be at least 10 square metres and free of obstacles

### **For all sows\* and gilts\*:**

#### **You must:**

#### **Prevention of parasites**

1. treat pregnant sows and gilts against internal and external parasites, if necessary

#### **Farrowing**

2. thoroughly clean pregnant sows and gilts before they are placed in farrowing crate
3. give sows and gilts enough suitable nesting material in the week before the expected farrowing time (unless it is not technically practical because of the slurry system you use)
4. provide an unobstructed area behind the sow or gilt during farrowing
5. provide some method of protecting the piglets, such as farrowing rails, if you keep sows loose in farrowing pens

#### **Group housing**

6. keep sows and gilts in groups (except during the period between seven days before the predicted day of farrowing and the day on which the weaning of piglets is complete)
7. make sure that each female pig after service, when kept in groups, has its minimum allowance (see table 1.2) of unobstructed floor space, continuous solid floor and pens of correct dimensions

8. feed sows and gilts using a system that makes sure each pig can get enough food even when other pigs are competing for food

9. give all dry pregnant sows and gilts enough bulky or high-fibre food, as well as high-energy food, to satisfy their hunger and need to chew

You will not break the rule relating to keeping sows and gilts in groups if they are kept on holdings of fewer than 10 sows, provided that the individual accommodation keeps to the general rules for pig accommodation.

## (1.2) Minimum allowance for unobstructed floor space

Requirement	Guidance
Pen size for sows and gilts kept in groups	<ul style="list-style-type: none"> <li>the sides of the pens must be greater than 2.8 metres in length when there are six in the group</li> <li>the sides of the pens must be at least 2.4 metres in length when there are fewer than six in the group</li> </ul>
Flooring for sows and gilts	<p>Amount of unobstructed floor space must be at least:</p> <ul style="list-style-type: none"> <li>1.64 square metres for each gilt</li> <li>2.25 square metres for each sow</li> </ul> <p>If the animals are kept in groups of fewer than six the unobstructed floor area must be increased by 10%</p> <p>If the animals are kept in groups of 40 or more the unobstructed floor area can be reduced by 10%</p>
Part of the floor area must be continuous solid floor	<ul style="list-style-type: none"> <li>at least 0.95 square metres for each gilt</li> <li>at least 1.3 square metres for each sow</li> </ul> <p>Up to 15 per cent of the solid floor area may be reserved for drainage openings</p>

### For all piglets\*:

#### You must:

- provide piglets with a source of heat and a dry comfortable lying area away from the sow where all of them can rest at the same time
- make sure that a part of the total floor where you keep the piglets is large enough to allow the animals to rest together at the same time and is solid, covered with a mat or littered with straw or any other suitable material
- give the piglets enough space to be able to suckled without difficulty if you use a farrowing crate

#### You must not:

- wean piglets from the sow at an age of less than 28 days (unless there is a risk of adverse welfare or health of the dam or piglets)

You will not break the rule relating to the weaning of piglets if they are weaned up to seven days earlier, provided that you move them into specialised housing which you empty and thoroughly clean and disinfect before you introduce a new group and which is separate from the housing where you keep sows.

### **For weaners and rearing pigs**

#### **You must:**

1. make sure that each weaner or rearing pig, when kept in groups, has its minimum allowance of unobstructed floor space (see table 1.3)
2. place pigs in groups as soon as possible after weaning and keep these groups stable with as little mixing as possible
3. provide opportunities for the animals to escape and hide from unfamiliar pigs if mixing is necessary. This must also be done at a young age as possible, preferably before, or up to one week after, weaning

#### **You must not:**

1. use tranquilising medication to help with mixing, unless there are exceptional circumstances and is on the advice of a vet

### **(1.3) Amount of unobstructed floor space for weaners / rearers**

<b>Average weight of pigs in the group (kilograms)</b>	<b>Minimum unobstructed floor space (square metres)</b>
10 or less	0.15
Greater than 10 but less than or equal to 20	0.20
Greater than 20 but less than or equal to 30	0.30
Greater than 30 but less than or equal to 50	0.40
Greater than 50 but less than or equal to 85	0.55
Greater than 85 but less than or equal to 110	0.65
Greater than 110	1.00



### **Explanation of terms**

'*Pig*' means an animal of the porcine species of any age, kept for breeding or fattening.

'*Boar*' means a male pig after puberty, intended for breeding.

'*Sow*' means a female pig after the first farrowing.

'*Gilt*' means a female pig intended for breeding, after puberty and before farrowing.

'*Piglet*' means a pig from birth to weaning.

'*Weaner*' means a pig from weaning to the age of 10 weeks.

'*Rearing pig*' means a pig from the age of 10.

# Welfare of farmed animals (SMR 13)

**Date published: 11 January, 2018**

## Introduction

The aim of these rules is to protect the welfare of farmed animals by setting minimum standards for their care and husbandry. They apply to any species kept for farming purposes.

### **You must:**

#### **Staffing**

1. make sure that your animals are looked after by enough staff who have the correct skills and knowledge

#### **Inspection**

2. make sure your animals are inspected thoroughly at least once a day if your husbandry system depends on frequent human attention and in other systems as often as necessary to avoid suffering

3. make sure that there is enough lighting so that you can carry out a thorough inspection of the animals at any time

4. make sure that you care for ill or injured animals immediately, and if they do not respond to this care then seek veterinary advice

5. isolate sick or injured animals in suitable accommodation with dry comfortable bedding, if necessary

#### **Record keeping**

6. maintain a record of any medicinal treatment given to your animals, and keep these records for at least three years from the date of the treatment and make these records available to any authorised person at inspection (or when otherwise asked for)

7. maintain a record of the number of deaths found when the animals are inspected, and keep these records for at least three years from the date of the relevant inspection and make these records available to any authorised person at inspection (or when otherwise asked for)

#### **Freedom of movement**

8. give your animals enough space to avoid necessary stress, if they are continuously or regularly tethered or confined, and also allow them to show their normal behaviour in line with established experience and scientific knowledge

#### **Buildings and accommodation**

9. use materials for animal accommodation that can be thoroughly cleaned and disinfected

10. build and maintain accommodation so that there are no sharp edges or protrusions which could injure your animals

11. keep air circulation, dust levels, temperature, relative air humidity and gas concentrations within limits that will not harm your animals

12. provide artificial lighting if there is not sufficient natural light in a building

### **Animals not kept in buildings**

13. give your animals that are not kept in buildings access to a well-drained lying area at all times and, if necessary, protection from adverse weather conditions, predators and other risks to their health

### **Automatic or mechanical equipment**

14. check automated and/or mechanical equipment that is essential for the health and well-being of your animals at least once a day and put right any faults immediately (or take appropriate steps to protect the health and well-being of your animals until you can get the fault put right)

15. provide an appropriate back-up to the main system if your animals health and well-being depends upon artificial ventilation and an alarm to warn you if the ventilation system fails. Inspect and test these at least once every seven days

### **Feed, water and other substances**

16. feed your animals a wholesome diet in sufficient quantities and making sure that they have access to feed at intervals appropriate to their needs (and, in any case, at least once a day)

17. give all animals access to a suitable water supply and enough fresh drinking water or other fluid

18. minimise any contamination of food and water and the harmful effects of competition between animals for food and water through the design and location of feeding and watering equipment

### **You must not:**

#### **Freedom of movement**

1. restrict your animals freedom of movement if this causes them unnecessary suffering or injury

#### **Buildings and accommodation**

2. use materials and/or equipment for accommodation purposes that is harmful to your animals

3. keep animals in permanent darkness or without an appropriate rest period from artificial lighting

### **Feed, water and other substances**

4. give your animals food or liquid in any way, or containing any substance, that could cause unnecessary harm

5. administer any substance to your animals which is harmful to their health or welfare

### **Mutilations**

6. carry out any mutilation or intervention on your animals, unless the action is classed as a prohibited procedure exemption (see Annex 1). (Many exemptions have conditions attached, including the need to be reasonably justified and be a measure of 'last resort'.)

In general -

- any prohibited procedure exemption must be carried out in hygienic conditions, in a manner to minimise pain and suffering, and according to good practice
- any castration or tail docking must be carried out by a person over the age of 18 years, or 17 years if under formal instruction

### **Breeding procedures**



7. carry out breeding procedures (either natural or artificial) that cause, or are likely to cause, harm to your animals



8. keep animals for farming purposes unless it can be reasonably expected that the normal breed characteristics (genetic and physical) mean that they can be kept without harm to their health and welfare

## Further Information

\* Mutilations are procedures which involve interference with the sensitive tissues or bone structure of the animal.

Further information on the conditions attached to prohibited procedure exemptions can be found in the Animal Welfare codes of Recommendation / Practice

## Annex 1

Please be aware that there may be additional conditions attached to the prohibited procedure exemptions. You must comply with these if you are carrying out any of the procedures listed in the tables below.

The conditions can be found in the [Animal Welfare codes of Recommendation / Practice](#).

## SMR 13 - Bovine animals

Procedure	Purpose
Freeze branding	Identification
Tattooing	Identification
Ear tagging	Identification; Screening or routine or random testing for disease; or genetic analysis
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Castration	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive into a non-farmed bovine	Controlling reproduction or general animal management, as part of a conservation programme
Embryo and ovum transfer	Controlling reproduction or general animal management
Nose ringing	Handler safety or herd welfare
Dehorning	Handler safety or herd welfare
Disbudding	Handler safety or herd welfare
Supernumerary teat removal	Animal health

## SMR 13 – Sheep

Procedure	Purpose
Tattooing	Identification
Ear tagging	Identification or sampling or routine or random testing for disease
Ear notching	Identification
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Castration  <b>Condition -</b> Surgical castration may only be carried out by a veterinary surgeon	Controlling reproduction or general animal management
Laparoscopic insemination	Controlling reproduction or general animal management
Embryo and ovum transfer	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive into a non-farmed sheep	Controlling reproduction or general animal management, as part of a conservation programme
Dehorning	Handler safety or flock welfare
Disbudding	Handler safety or flock welfare
Docking of farmed sheep kept on agricultural land  <b>Conditions -</b> 1) docking of sheep over three months of age can only be carried out by a veterinary surgeon  2) Surgical docking may only be carried out by a veterinary surgeon	Animal health

## SMR 13 - Goats

Procedure	Purpose
Tattooing	Identification
Ear tagging	Identification or screening or routine or random testing for disease
Ear notching	Identification
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Castration	Controlling reproduction or general animal management
Laparoscopic insemination	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive into a non-farmed goat	Controlling reproduction or general animal management, as part of a conservation programme
Embryo and ovum transfer	Controlling reproduction or general animal management
Dehorning	Handler safety or herd welfare
Disbudding	Handler safety or herd welfare

## SMR 13 – Pigs

Procedure	Purpose
Tattooing	Identification
Ear tagging	Identification or screening or routine or random testing for disease
Ear notching	Identification
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive into a non-farmed pig	Controlling reproduction or general animal management, as part of a conservation programme
Embryo and ovum transfer	Controlling reproduction or general animal management
Tusk trimming	Handler safety or herd welfare
Docking of farmed pigs on agricultural land  <b>Conditions -</b>  1) The procedure may only be performed— (a) where there is evidence that injuries to the tails of other pigs have occurred and where other measures to improve environmental conditions or management systems have been taken in order to prevent tailbiting; and (b) by the quick and complete severance of the part of the tail to be removed.  2) Where pigs are older than 7 days of age the procedure must be performed under anaesthetic and additional prolonged analgesia and only by a veterinary surgeon.	Handler safety or herd welfare
Uniform reduction of the corner teeth of farmed piglets kept on agricultural land aged 7 days or less by grinding or clipping to leave an intact smooth surface  <b>Condition -</b>  The procedure may only be performed where there is evidence of injuries to sows' teats or to other pigs' ears or tails and when other measures have been taken to prevent tailbiting and other vices have been exhausted.	Herd welfare
Nose ringing  <b>Condition -</b>  Nose rings must not be put in animals kept continuously in indoor husbandry systems.	General animal management
Castration  <b>Conditions -</b>  1) Castration may only be performed by means other than the tearing of tissues.  2) Where pigs are older than 7 days of age the procedure must be performed under anaesthetic and additional prolonged analgesia and only by a veterinary surgeon.	Controlling reproduction or general animal management

## SMR 13 – Birds

Procedure	Purpose
Micro chipping	Identification
<p>Beak trimming of poultry</p> <p><b>Conditions -</b></p> <p>1) Beak trimming of poultry may only be performed to prevent feather pecking and cannibalism and, in relation to laying hens kept on holdings of 350 or more and meat chickens kept on holdings of 500 or more, when the animals are less than 10 days old.</p> <p>2) Beak trimming of laying hens kept on holdings of 350 or more may only be performed using the infra-red procedure.</p> <p>3) In an emergency, to control an outbreak of feather pecking or cannibalism in laying hens, conditions 1 and 2 do not apply.</p> <p>4) Beak trimming of meat chickens may only be carried out, after consultation with and on the advice of a veterinary surgeon, by qualified staff, and where other measures to prevent feather pecking and cannibalism are exhausted.</p>	Flock welfare
De-snooding	General animal management
Cutting of the toes of poultry other than laying hens and meat chickens	General animal management
Dubbing of domestic fowl other than laying hens and meat chickens	General animal management
Pinioning of birds other than poultry	General animal management
Laparoscopy	General animal management
Castration, ovidectomy and vasectomy of a bird other than poultry	Controlling reproduction or general animal management, as part of a conservation programme
Implantation of a subcutaneous contraceptive into a bird other than poultry	Controlling reproduction or general animal management, as part of a conservation programme
Wing tagging	<p>Identification of –</p> <p>1) poultry in connection with breeding or testing for the presence of disease; or</p> <p>2) a bird other than poultry in connection with conservation or research</p>
Web tagging	<p>Identification of –</p> <p>1) poultry in connection with breeding or testing for the presence of disease</p> <p>or</p> <p>2) a bird other than poultry in connection with conservation or research</p>

## SMR 13 - Equine Horses

Procedure	Purpose
Freeze branding	Identification
Tattooing	Identification
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Castration	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management
Embryo and ovum transfer	Controlling reproduction or general animal management

## SMR 13 – Deer

Procedure	Purpose
Tattooing	Identification
Ear tagging	Identification or screening or routine or random testing for disease
Ear notching	Identification
Micro chipping	Identification
Vasectomy	Controlling reproduction or general animal management
Castration	Controlling reproduction or general animal management
Implantation of a subcutaneous contraceptive into a non-farmed deer	Controlling reproduction or general animal management, as part of a conservation programme
Embryo and ovum transfer	Controlling reproduction or general animal management
Removal of antlers	Handler safety or herd welfare

## SMR 13 - Any other type of animal

Procedure	Purpose
Micro chipping	Identification
Tattooing	Identification
Vasectomy	Controlling reproduction
Castration	Controlling reproduction
Spaying	Controlling reproduction
Embryo and ovum transfer	Controlling reproduction
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management

# Penalties for breaches of Cross Compliance

**Date published: 23 December, 2020**

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## Standards of proof

Although the 13 Statutory Management Requirements (SMRs) are based on existing legislation, Cross Compliance operates separately from the criminal process.

This means that criminal proceedings and cross compliance can run in parallel. For example, a claimant who has falsified a cattle passport may be prosecuted by the local authority as well as having a penalty applied to their support scheme payments.

Unlike criminal prosecutions, the lower civil standard of proof is used to decide if Cross Compliance requirements have been breached.

This means that even if an enforcement agency hasn't got enough evidence to take forward a prosecution or a prosecution isn't successful, Cross Compliance penalties can still be applied.

The civil standard of proof relates to the balance of probability. If there is evidence to show that, on the balance of probability, a breach has been committed then this is enough to allow a Cross Compliance penalty to be applied.

Farmers or crofters who dispute the findings can lodge an appeal under the existing Appeals procedure.

## Appeal procedure

If you do not understand why we have applied a penalty to your payments, staff at your local area office will be happy to explain our decision.

If you are not satisfied with the explanation or do not agree with our decision you can apply to have the decision reviewed under the Appeals procedure.

If you want to appeal against the decision it is very important that you complete and return an appeals application to your local office within 60 days of the date on your breach letter.

Full details of this procedure can be found on the appeals page of this website.

## [Appeals](#)

### **Complaining about our standards**

We aim to provide a high-quality service to all our customers, but recognise that sometimes things can go wrong and these high standards may not be met.

Full details of the procedure can be found on the complaints page of this website.

## [Complaints](#)

### **How are Cross Compliance penalties calculated?**

If you don't meet all of the GAEC and SMR requirements we call this a breach and a penalty may be applied to your support scheme payments.

Breaches can be found during a routine inspection or following receipt of information from another source. In relation to animal welfare this could include a report of sick or injured animals from an abattoir or market.

When there is a breach the level of any penalty depends on the assessment against the following five points:

#### **Breach assessment:**

- intent – was it a negligent or intentional breach?
- extent – is the breach confined to your farm or does it have wider implications?
- severity – what is the significance of the breach?
- permanence – does it have a lasting effect?
- reoccurrence – have we found this same breach previously?

#### **Negligent breaches**

A negligent breach is where a farmer breaches a GAEC or SMR as a result of failing to take reasonable care, skill and foresight.

An example of this would be a farmer who fails to notify the movements of cattle 'onto' or 'off' their holding. Negligent breaches usually result in a three per cent penalty.

However, depending on the assessment of extent, severity and permanence, the penalty can be reduced to one per cent or increased to five per cent. If the breach is considered to be minor, we may issue a warning letter instead.



If we issue a warning letter we will tell you what you need to do to remedy the breach and give you a timescale in which to carry out the remedial action.

It is important that you carry out the remedial action. If we carry out a follow-up inspection and find the same breach, we will apply at least a one per cent penalty for the year in which the warning letter was issued and we will also consider the breach as a recurrence for the year the follow-up inspection took place.

If we find the same breach or a new breach of the same requirement within a period of three calendar years we will consider the breach to be a reoccurrence.

The penalty for a negligent first reoccurrence is worked out by assessing the breach and multiplying the related penalty by three.

The penalty for a negligent second reoccurrence is worked out by simply multiplying the penalty for the previous breach by three. This continues each time a reoccurrence breach is found until the penalty reaches 15 per cent. After that, any further reoccurrences will be treated as intentional.

### **Intentional breaches**

An Intentional breach is defined as '*where a claimant seeks a state of non-compliance with the rules or, without seeking such a state, accepts the possibility that it may occur*'.

Penalties for intentional breaches are much higher and generally result in a 20 per cent reduction in payments.

However, again, depending on the assessment of extent, severity and permanence, the penalty can be reduced to 15 per cent or increased to 100 per cent. In extreme cases a farmer may be prevented from claiming support payments the following year.

The penalty for intentional reoccurrence is calculated by multiplying the penalty for the previous breach by two.

### **Penalty tables**

There are 32 different ways a breach can be assessed, 16 each for negligent and intentional breaches.

Penalty tables have been published to help you see what sort of penalty would be applied depending on how a breach has been assessed.

[Current negligent and intentional penalty tables, and tables from previous years](#)

### **What happens if more than one breach is found?**

There are a number different of rules for working out the overall penalty if more than one breach is found during the calendar year.

For penalty purposes:

- if a breach of a requirement is both part of a GAEC and a SMR it's only considered to be a breach of the SMR
- if there are first-time negligent and/or first-time intentional breaches within the same area of Cross Compliance (see table 1 below) they are considered to be a single breach. The overall penalty is based on the highest individual penalty
- if there are first-time negligent breaches in different areas the individual penalties are added together and capped at five per cent
- if there are first-time intentional breaches in different areas the individual penalties are added together and capped at 100 per cent
- if there are first-time negligent and first-time intentional breaches in different areas of Cross Compliance, the individual penalties are added together and capped at 100 per cent
- if there are reoccurring breaches with penalties of 15 per cent or less the individual penalties are added together and capped at 15 per cent
- if there are reoccurring breaches with penalties of more than 15 per cent the individual penalties are added together and capped at 100 per cent
- if there are only reoccurring breaches with penalties of 15 per cent or less and other first-time negligent breaches the penalty for the reoccurring breaches is added to the other individual penalties and capped at 15 per cent
- if there are only reoccurring breaches with penalties of 15 per cent or less and other first-time Intentional breaches the penalty for the reoccurring breaches is added to the other individual penalties and capped at 100 per cent

## Common breaches

For more information about which requirements are commonly breached, see the previous years' inspections statistics.

[Cross Compliance inspections statistics](#)

## Circumvention

If you artificially create conditions to circumvent cross compliance we may reject your claims.

**Table 1**

Areas of Cross Compliance	Requirement
Environment, climate change, good agricultural condition of land	SMR 1, SMR 2, SMR 3 and GAECs 1-7
Public health, animal health and plant health	SMR 4, SMR 5, SMR 6, SMR 7, SMR 8, SMR 9 and SMR 10
Animal welfare	SMR 11, 12 and 13