
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 192

The Rural Development (Scotland) Regulations 2015

PART 1

INTRODUCTION

Interpretation

2.—(1) In these Regulations—

“accountable body” means the lead partner selected by a local action group as the administrative and financial lead actor as required by Article 34(2) of the Common Provisions Regulation;

“the applicable Regulations” means—

- (a) the Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008(1);
- (b) the Leader Grants (Scotland) Regulations 2008(2);
- (c) the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(3);
- (d) the Forestry Challenge Funds (Scotland) Regulations 2008(4);
- (e) the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008(5); and
- (f) the Land Managers Skills Development Grants (Scotland) Regulations 2008(6);

“application” means an application for a grant under these Regulations, and “applicant” is to be construed accordingly;

“appropriate body” means—

- (a) in relation to an application for LEADER grant, a local action group; or
- (b) the Scottish Ministers;

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- (1) [S.S.I. 2008/64](#), as amended by [S.S.I. 2011/260](#) and [S.I. 2011/1043](#) and revoked subject to savings by regulation 22 and the Schedule to these Regulations.
 - (2) [S.S.I. 2008/66](#), as amended by [S.S.I. 2011/260](#), [S.I. 2011/1043](#) and [S.S.I. 2012/182](#) and revoked subject to savings by regulation 22 and the Schedule to these Regulations.
 - (3) [S.S.I. 2008/100](#), as amended by [S.S.I. 2008/233](#), [S.S.I. 2009/1](#), [S.S.I. 2009/233](#), [S.S.I. 2009/335](#), [S.S.I. 2009/411](#), [S.S.I. 2010/87](#), [S.S.I. 2011/106](#), [S.S.I. 2011/228](#), [S.S.I. 2011/260](#), [S.I. 2011/1043](#), [S.S.I. 2012/215](#), [S.S.I. 2012/307](#), [S.S.I. 2012/360](#) and the Crofting Reform (Scotland) Act 2010 (asp 14), section 1(4), and revoked subject to savings by regulation 22 and the Schedule to these Regulations.
 - (4) [S.S.I. 2008/135](#), as amended by [S.S.I. 2011/260](#) and [S.I. 2011/1043](#) and revoked subject to savings by regulation 22 and the Schedule to these Regulations.
 - (5) [S.S.I. 2008/159](#), as amended by [S.S.I. 2009/155](#), [S.S.I. 2011/85](#), [S.S.I. 2011/228](#), [S.S.I. 2011/260](#), [S.I. 2011/1043](#), [S.S.I. 2012/360](#), [S.S.I. 2013/309](#) and the Crofting Reform (Scotland) Act 2010, section 1(4), and revoked subject to savings by regulation 22 and the Schedule to these Regulations.
 - (6) [S.S.I. 2008/162](#), as amended by [S.S.I. 2011/260](#), [S.I. 2011/1043](#) and [S.S.I. 2015/153](#) and revoked subject to savings by regulation 22 and the Schedule to these Regulations.

“approval”, except in relation to regulation 22(2) (saving), means approval of an application and includes a variation of that approval or any conditions subject to which that approval has been given, and “approve” and “approved” are to be construed accordingly;

“approved expenditure” means the costs of a project which the appropriate body has approved for the purpose of calculating grant under these Regulations;

“authorised person” means a person authorised in writing by an appropriate body to act in matters arising under these Regulations or the EU Regulations;

“beneficiary” means a person whose application has been approved or in respect of whom, following a variation of the approval or a transfer of the land, an undertaking is accepted in accordance with regulation 5(3);

“claim for payment” means a claim for payment under regulation 6;

“Common Provisions Delegated Regulation” means Commission Delegated Regulation (EU) No 480/2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund(7);

“Common Provisions Regulation” means Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006(8);

“EU Regulations” means the—

- (a) Common Provisions Delegated Regulation;
- (b) Common Provisions Regulation;
- (c) Horizontal Delegated Regulation;
- (d) Horizontal Finance Implementing Regulation;
- (e) Horizontal Implementing Regulation;
- (f) Horizontal Regulation;
- (g) Rural Development Delegated Regulation;
- (h) Rural Development Implementing Regulation; and
- (i) Rural Development Regulation;

“grant” means a payment under these Regulations;

“Horizontal Delegated Regulation” means Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(9);

“Horizontal Finance Implementing Regulation” means Commission Implementing Regulation (EU) No 908/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of

(7) OJ L 138, 13.5.2014, p.5.

(8) OJ L 347, 20.12.2013, p.320.

(9) OJ L 181, 20.6.2014, p.48.

the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency⁽¹⁰⁾;

“Horizontal Implementing Regulation” means Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance⁽¹¹⁾;

“Horizontal Regulation” means Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008⁽¹²⁾;

“LEADER grant” means a grant in respect of LEADER local development under Article 35 of the Common Provisions Regulation and Article 44 of the Rural Development Regulation;

“local action group” means a group which has been selected to implement a local development strategy in accordance with Article 34 of the Common Provisions Regulation;

“local development strategy” means a strategy prepared by a local action group and approved in accordance with Article 33 of the Common Provisions Regulation;

“measures”, except in relation to regulation 22(2), means measures under the Rural Development Regulation as set out in the SRDP and, in the case of LEADER grant, a local development strategy;

“Regulation 1698/2005” means Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽¹³⁾;

“Rural Development Delegated Regulation” means Commission Delegated Regulation (EU) No 807/2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions⁽¹⁴⁾;

“Rural Development Implementing Regulation” means Commission Implementing Regulation (EU) No 808/2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽¹⁵⁾;

“Rural Development Regulation” means Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005⁽¹⁶⁾;

“service level agreement”, except in relation to regulation 21(3) (agency arrangements), means an agreement between the Scottish Ministers and an accountable body for the purposes of Article 7(1) of the Horizontal Regulation and Article 1 of, and Annex I(1)(C) to, Commission Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro⁽¹⁷⁾;

⁽¹⁰⁾ OJ L 255, 28.8.2014, p.59, as amended by Commission Implementing Regulation (EU) 2015/583 (OJ L, 14.4.2015, p.97).

⁽¹¹⁾ OJ L 227, 31.7.2014, p.69.

⁽¹²⁾ OJ L 347, 20.12.2013, p.549, as amended by Regulation (EU) No 1310/2013 (OJ L 347, 20.12.2013, p.865).

⁽¹³⁾ OJ L 277, 21.10.2005, p.1, as last amended by Regulation (EU) No 1303/2013 (OJ L 347, 20.12.2013, p.865), Articles 1 and 3 of which made further transitional provisions in respect of measures under Regulation 1698/2005. Regulation 1698/2005 was repealed subject to savings by Article 88 of the Rural Development Regulation.

⁽¹⁴⁾ OJ L 227, 31.7.2014, p.1.

⁽¹⁵⁾ OJ L 227, 31.7.2014, p.18.

⁽¹⁶⁾ OJ L 347, 20.12.2013, p.487, as last amended by Commission Delegated Regulation (EU) No 1378/2014 (OJ L 367, 23.12.2014, p.16).

⁽¹⁷⁾ OJ L 255, 28.8.2014, p.18, as amended by Commission Delegated Regulation (EU) 2015/160 (OJ L 27, 3.2.2015, p.7).

“SRDP” means the Scottish Rural Development Programme, as may be approved by the European Commission in respect of Scotland in accordance with Article 10(2) of the Rural Development Regulation and Article 29(4) of the Common Provisions Regulation and as may from time to time be amended in accordance with Article 11 of the Rural Development Regulation and Article 30 of the Common Provisions Regulation;

“SRDP guidance” means the guidance published by the Scottish Ministers from time to time under regulation 20; and

“undertaking”, except in relation to regulation 22(2), means an undertaking given by a beneficiary or occupier of the land in accordance with regulation 5.

(2) A reference in these Regulations to the EU Regulations, or to any of the instruments referred to in the definition of the EU Regulations, means a reference to the EU Regulations, or that instrument as amended from time to time.

(3) Except where the context otherwise requires, other expressions used in these Regulations have the meaning they bear in the EU Regulations.

(4) A reference in these Regulations to anything done in writing includes an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000⁽¹⁸⁾ which has been recorded and is consequently capable of being reproduced.

⁽¹⁸⁾ 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), section 406 and Schedule 17, paragraph 158.