
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 187

The Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999

Withholding or recovery of compensatory allowance

17.—(1) The appropriate authority may withhold or recover on demand the whole or any part of any compensatory allowance payable or paid to a claimant in respect of the Scheme Year in any of the following circumstances—

- (a) where the claimant fails to comply with the terms of an undertaking given by him pursuant to regulation 5, from which he has not been released by regulation 16;
- (b) where, in the opinion of the appropriate authority, the claimant has failed to apply usual good farming practices on the eligible land on which he maintains breeding cows or ewes;
- (c) where the appropriate authority has issued to the claimant a notification under regulation 10(1) and (2) and is satisfied that a condition specified in that notification has been breached, or that more breeding cows or ewes than the maximum number specified in the notification have been grazed and maintained in the Scheme Year on the parcel of land to which it relates;
- (d) where the claimant, or an employee, servant or agent of the claimant, intentionally obstructs an authorised person, or a person accompanying an authorised person and acting under his instructions, from exercising any power conferred by regulation 14, or fails without reasonable excuse to comply with a requirement made by an authorised person under regulation 14, or a request made by an authorised person when exercising any power conferred by regulation 14.

(2) Where at any time during the Scheme Year the claimant fails to comply with regulation 29(3) and (5) of the 1998 Regulations, the appropriate authority may withhold or recover on demand the whole or any part of any compensatory allowance for breeding cows payable or paid to the claimant in respect of the Scheme Year.

(3) Where at any time during the Scheme Year the claimant fails to comply with Article 4 or, where he is a sheepmeat producer for the purposes of Council Regulation 3493/90, paragraphs (1), (3), (4) or (5) of Article 5 of the 1996 Order, the appropriate authority may withhold or recover on demand the whole or any part of any compensatory allowance for ewes payable or paid to the claimant in respect of the Scheme Year.

(4) If the European Commission shall not approve, in accordance with Article 44(2) of Council Regulation 1257/1999, the payment of the compensatory allowances provided for in these Regulations, or shall approve their payment in part only, the appropriate authority may withhold, or recover on demand, any compensatory allowances payable or paid in respect of the Scheme Year, in full or to the extent that payment is not so approved, as the case may be.