
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 448

**The Agricultural Business Development
Scheme (Scotland) Regulations 2000**

Interpretation

2.—(1) In these Regulations—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“agricultural holding” means an agricultural holding within the meaning of section 1 of the Agricultural Holdings (Scotland) Act 1991⁽¹⁾;

“agricultural unit” means a croft, agricultural holding or smallholding (and includes a common grazing) which is located within the scheme area, or which is partly located within the scheme area and is deemed to be located within the scheme area by the Scottish Ministers if they think fit;

“application” means an application for financial assistance under the scheme made in accordance with regulations 4 or 5 and “applicant” and “apply” shall be construed accordingly;

“approved” means approved by the Scottish Ministers in writing and “approve” and “approval” shall be construed accordingly;

“authorised person” means a person appointed by the Scottish Ministers for the purpose of enforcement of these Regulations;

“Community legislation” means—

- (a) Council Regulation (EC) No 1257/1999 of 17th May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations⁽²⁾;
- (b) Council Regulation (EC) No 1260/1999 of 21st June 1999 laying down general provisions on the Structural Funds⁽³⁾; and
- (c) Commission Regulation (EC) No 1750/1999 of 23rd July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)⁽⁴⁾;

“croft” means a croft within the meaning of section 3 of the Crofters (Scotland) Act 1993⁽⁵⁾;

“collaborative venture” means a venture in respect of which an application for financial assistance under these Regulations is jointly submitted by three or more eligible persons in relation to three or more eligible businesses;

(1) 1991 c. 55.

(2) O.J. No. L 160, 26.6.99, p.80.

(3) O.J. No. L 161, 26.6.99, p.1.

(4) O.J. No. L 214, 13.8.99, p.31.

(5) 1993 c. 44.

“designated maps” means the four maps numbered 1 to 4, each such map being marked “map of less-favoured farming areas in Scotland” and with the number of the map, dated 5th May 1991, signed by the Secretary of State for Scotland and deposited at the offices of the Scottish Executive Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW;

“eligible business” means a business which has been engaged in agriculture on an agricultural unit for a continuous period of two years ending with the date of the application;

“eligible expenditure” means expenditure (including reasonable professional fees and charges) approved in relation to measures to be undertaken under the scheme;

“eligible person” means—

- (a) in relation to any measure—
 - (i) a person who is a legal occupier of an agricultural unit and who operates an eligible business on that unit; or
 - (ii) a person authorised to act on behalf of such legal occupier; and
- (b) in relation to a measure specified in Part II or III of the Schedule, any member of the immediate family of such legal occupier who resides on or adjacent to the agricultural unit and is acting with such legal occupier’s consent;

“financial assistance” means a payment made under these Regulations, and may include a payment from the Guidance Section of the European Agricultural Guidance and Guarantee Fund payable under the Community legislation;

“immediate family” means wife, husband, partner, son, stepson, daughter, stepdaughter, mother, father, brother, sister;

“less favoured area” means the land shown coloured in blue or in pink on the designated maps—

- (a) which is situated in an area included in the list of less favoured farming areas adopted by Council Directive [84/169/EEC](#) concerning the Community list of less favoured farming areas within the meaning of Directive [75/268/EEC](#) (United Kingdom) as amended⁽⁶⁾; and
- (b) which is, in the opinion of the Scottish Ministers, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and whose agricultural production is, in the opinion of the Scottish Ministers, restricted in its range by, or any combination of, soil, relief, aspect or climate;

“measure” means a measure specified in the Schedule;

“scheme” means the measures to assist rural communities described at Priority 4, Sub Priority (a), Measures 1, 3, Sub-Measure (i), and 5 (Agriculture only) of the Highlands and Islands Special Transitional Programme approved by Commission Decision of 8th August 2000 on the adoption of the Single Programming Document for the Highlands and Islands Special Transitional Programme and entitled, for the purposes of these Regulations, the Agricultural Business Development Scheme;

“scheme area” means the area of Scotland comprising—

- (a) the area of the Argyll and Bute Council, excluding the Parishes of Arrochar, Cardross, Luss, Rhu and Roseneath;
- (b) the area of the Highland Council;
- (c) the area of the Orkney Islands Council;
- (d) the area of the Shetland Islands Council;

(6) O.J. No. L 82, 26.3.84, p.67, as amended by Commission Decision [91/25/EEC](#) altering the limits of the less favoured areas in the United Kingdom within the meaning of Council Directive [75/268/EEC](#) (O.J. No. L 16, 22.1.91, p.25).

- (e) the area of the Western Isles Council;
- (f) in the area of the North Ayrshire Council, the islands of Arran, Great Cumbrae and Little Cumbrae; and
- (g) in the area of the Moray Council, the Parishes of Aberlour, Cabrach, Dallas, Dyke, Edinkillie, Forres, Inveravon, Kinloss, Kirkmichael, Knockando, Mortlach, Rafford and Rothes;

“smallholding” means any holding within the meaning of sections 2 and 32 of the Small Landholders (Scotland) Act 1911⁽⁷⁾.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000⁽⁸⁾, which has been recorded and is consequently capable of being reproduced.

(3) References in these Regulations to a numbered regulation or to the Schedule shall be construed as a reference to the regulation so numbered in or to the Schedule to these Regulations.

(7) 1911 c. 49; section 2 was extended by the Small Landholders and Agricultural Holdings Act 1931 (c. 44), section 14 and both sections 2 and 32 were restricted by the Crofters (Scotland) Act 1955 (c. 21), Schedule 6, Part I.

(8) 2000 c. 7.