SCOTTISH STATUTORY INSTRUMENTS

2001 No. 220

The Agricultural Processing and Marketing Grants (Scotland) Regulations 2001

Revocation or variation of approval and withholding or recovery of grant

- **9.**—(1) Subject to paragraph (2) below, if at any time after the Scottish Ministers have approved an application (in whole or in part) for the purposes of a grant under these Regulations, it appears to them that—
 - (a) the applicant has given information on any matter relevant to the giving of approval or the making of payment of grant under these Regulations, which is false or misleading in a material particular;
 - (b) any condition subject to which the approval was given, or the grant has been paid, has not been complied with;
 - (c) the investment or project in respect of which the approval was given, or the grant was paid, has not been carried out or has not been carried out in accordance with the application approved by the Scottish Ministers;
 - (d) the investment or project has been or is being unreasonably delayed beyond the time limits contained in any condition subject to which approval has been given, or grant paid, under these Regulations, or is unlikely to be completed;
 - (e) the investment or project was commenced before the date on which the Scottish Ministers gave written permission to do so:
 - (f) the European Commission has decided that the grant paid, or to be paid, does not comply with the Community legislation;
 - (g) public funds in excess of those permitted under these Regulations have been applied to the investment or project; or
 - (h) the eligible person has-
 - (i) intentionally obstructed any authorised person in exercise of the powers under regulation 8; or
 - (ii) failed to comply with a requirement imposed under regulation 8(3)(b),

the Scottish Ministers may revoke or vary (including any conditions subject to which it was given) the approval in respect of the whole or any part of the approved expenditure and may withhold payment of grant in whole or in part and, where any grant has been paid under these Regulations, the Scottish Ministers may on demand and recover as a debt the whole or any part of the grant which has been paid.

- (2) Before revoking or varying an approval (in whole or in part), reducing or withholding any financial assistance or making a demand for recovery, by virtue of paragraph (1) above, the Scottish Ministers shall—
 - (a) give the applicant in respect of whom such a step is proposed to be taken, written notification of that step, and if appropriate the amount by which it is proposed that the grant be reduced or the amount of such grant which it is proposed be withheld or recovered;

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- (b) give that applicant an opportunity to make representations about the proposed step, within such time and in such form as they think fit; and
- (c) consider such representations.