
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 226

**The Agricultural Subsidies (Appeals)
(Scotland) Amendment Regulations 2001**

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “Commission Regulation 3887/92”, for the words “and Commission Regulation (EC) No. 2801/1999” there shall be substituted the words “, Commission Regulation (EC) No. 2801/1999, Commission Regulation (EC) 2721/2000(1) and Commission Regulation (EC) 882/2001(2)”;
- (b) in the definition of “Council Regulation 3508/92”, for the words “and Council Regulation (EC) No. 1593/2000” there shall be substituted the words “, Council Regulation (EC) No. 1593/2000 and Commission Regulation (EC) 495/2001(3)”;
- (c) after the definition of “Council Regulation 3508/92”, shall be inserted—

““ESA Orders” means—

- (a) the Environmentally Sensitive Areas (Loch Lomond) Designation Order 1992;
- (b) the Environmentally Sensitive Areas (Breadalbane) Designation Order 1992;
- (c) the Environmentally Sensitive Areas (Central Southern Uplands) Designation Order 1993;
- (d) the Environmentally Sensitive Areas (Western Southern Uplands) Designation Order 1993;
- (e) the Environmentally Sensitive Areas (Cairngorms Straths) Designation Order 1993;
- (f) the Environmentally Sensitive Areas (Central Borders) Designation Order 1993;
- (g) the Environmentally Sensitive Areas (Stewartry) Designation Order 1993;
- (h) the Environmentally Sensitive Areas (Argyll Islands) Designation Order 1993;
- (i) the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Order 1993;
- (j) the Environmentally Sensitive Areas (Shetland Islands) Designation Order 1993;”.

(3) For regulation 3 (application), there shall be substituted—

(1) O.J. No. L 314, 14.12.00, p.8.
(2) O.J. No. L 123, 4.5.01, p.20.
(3) O.J. No. L 72, 14.3.01, p.6.

“Application in relation to IACS matters

3. In relation to decisions of the Scottish Ministers of the kinds referred to in regulation 4(a), (b) and (c)(4) below, these Regulations apply in relation to holdings which are administered by them in accordance with the Integrated Administration and Control System Regulations 1993(5).”.

(4) In regulation 4 (decisions amenable to review and appeal), there shall be added after paragraph (c)–

- “(d) a decision by the Scottish Ministers to postpone, reduce or withhold any payment of grant under, or recover any payment under or terminate participation in, the Farm Woodland Scheme 1988(6), in terms of paragraph 14 of that Scheme;
- (e) a decision by the Scottish Ministers to postpone, reduce or withhold any payment of grant under, or recover any payment under or terminate participation in, the Farm Woodland Premium Scheme 1992(7), in terms of paragraph 14 of that Scheme;
- (f) a decision by the Scottish Ministers to postpone, reduce or withhold any payment of grant under, or recover any payment under or terminate participation in, the Farm Woodland Premium Scheme 1997(8), in terms of paragraph 14 of that Scheme;
- (g) a decision by the Scottish Ministers–
- (i) made under article 5D of any one of the ESA Orders that there has been a breach of any of the requirements of article 4 or 4A of the ESA Order to which that decision relates; or
- (ii) to withhold, or require the making of, payment under article 5(a) or under article 5A of one of the ESA Orders(9);
- (h) a decision by the Scottish Ministers to withhold any grant due or recover any grant paid or require payment of a sum imposed by way of penalty under the Organic Aid (Scotland) Regulations 1994(10), in terms of regulation 12 of those Regulations;
- (i) a decision by the Scottish Ministers to withhold any grant due or recover any grant paid or require payment of a sum imposed by way of penalty under the Habitats (Scotland) Regulations 1994(11), in terms of regulation 12 of those Regulations;
- (j) a decision by the Scottish Ministers to withhold any grant due or recover any grant paid or require payment of a sum imposed by way of penalty under the Heather Moorland (Livestock Extensification) (Scotland) Regulations 1995(12), in terms of regulation 13 of those Regulations;
- (k) a decision by the Scottish Ministers to withhold any grant due or recover any grant paid or require payment of a sum under the Countryside Premium Scheme (Scotland) Regulations 1997(13), in terms of regulation 12 of those Regulations.”.

(5) In regulation 5(2)(b) (review of decisions), there shall be inserted after the words “sought and”, the words “, in relation to an IACS scheme,”.

(6) In regulation 7(3) (decision following review), there shall be added at the end the words “and must in such a case advise the applicant of the right of review provided by regulation 8(1) below”.

(4) Regulation 4(c) was added by S.S.I. 2001/50.

(5) S.I.1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

(6) S.I. 1988/1291, as amended by S.I. 1991/1631, 1992/905 and 1997/828.

(7) S.I. 1992/905.

(8) S.I. 1997/829, amended by S.S.I. 2000/290.

(9) Article 5A was inserted into the ESA Orders by S.I. 1996/3082.

(10) S.I. 1994/1701, amended by S.I. 1996/3083 and S.S.I. 1999/107.

(11) S.I. 1994/2710, as amended by S.I. 1996/3035.

(12) S.I. 1995/891, as amended by S.I. 1996/3036.

(13) S.I. 1997/330.

(7) In regulation 10(2) (notification of decisions), there shall be inserted after the word “appointed”, the words “(along with intimation of the right of appeal under regulation 11(1) below)”.

(8) In regulation 12 (procedure in the Scottish Land Court)–

- (a) in paragraph (1), for the word “only”, there shall be substituted the word “not”;
- (b) in paragraph (2), for the words “members of the Court sitting with a legal assessor”, there shall be substituted the words “member of the Court”; and
- (c) in paragraph (3), the word “to”, where it first occurs, shall be omitted.