
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 259

The Farm Business Development (Scotland) Scheme 2001

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

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

“agricultural unit” means an 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 by an eligible person for financial assistance under the Scheme made in accordance with paragraph 4 below and “applicant” shall be construed accordingly;

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

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

“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) a person who is a legal occupier of an agricultural unit and who operates an eligible business on that unit;
- (b) a person authorised to act on behalf of such legal occupier; or
- (c) any member of the immediate family of such legal occupier who resides on or adjacent to that agricultural unit and is acting with such legal occupier’s consent;

“financial assistance” means a payment made under this Scheme;

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

“less favoured area” has the same meaning as in the Agricultural Business Development Scheme (Scotland) Regulations 2000⁽²⁾;

“measure” means a measure specified in the Schedule to this Scheme;

“scheme area” means that part of Scotland lying outwith the scheme area for the purposes of Agricultural Business Development Scheme (Scotland) Regulations 2000;

(1) 1991 c. 55.

(2) S.S.I. 2000/448, amended by S.S.I. 2001/40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“smallholding” means any holding within the meaning of sections 2 and 32 of the Small Landholders (Scotland) Act 1911⁽³⁾.

(2) A reference in this Scheme 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⁽⁴⁾, which has been recorded and is consequently capable of being reproduced.

(3) 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.

(4) 2000 c. 7.