

2001 No. 484

EUROPEAN COMMUNITIES

**The Rural Diversification Programme (Scotland) Amendment
Regulations 2001**

Made 28th December 2001

Coming into force at 8.00 p.m. on 31st December 2001

Laid before the Scottish Parliament 3rd January 2002

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Rural Diversification Programme (Scotland) Amendment Regulations 2001 and shall come into force at 8.00 p.m. on 31st December 2001.

Amendment of the Rural Diversification Programme (Scotland) Regulations 1995

2. For regulation 8(2) (claims for financial assistance) of the Rural Diversification Programme (Scotland) Regulations 1995(b) there shall be substituted—

“(2) Any expenditure incurred—

- (a) in relation to measures concerning land other than that described in subparagraph (b), after 31st December 2001; and
- (b) subject to paragraph (3), in relation to measures concerning land wholly or principally within the Dumfries and Galloway or the Scottish Borders council areas, after 31st January 2002,

shall not be treated as eligible expenditure and the Scottish Ministers shall not accept a claim for financial assistance received by them after 28th February 2002.

(3) In the circumstances described in paragraph (4), any expenditure incurred after 30th June 2002 in relation to a measure shall not be treated as eligible expenditure and the Scottish Ministers shall not accept a claim for financial assistance received by them after 31st August 2002.

(4) The circumstances referred to in paragraph (3) are—

- (a) that the land to which the measure relates is wholly or principally within the Dumfries and Galloway or the Scottish Borders council areas; and
- (b) that, following a request by an eligible person, the Scottish Ministers are satisfied that the measure was unable to be completed prior to 31st December 2001 wholly or principally because of the existence of restrictions in consequence of the outbreak of foot-and-mouth disease.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1995/3295, amended by S.I. 1997/722 and 1999/651 and S.S.I. 2001/319. Regulation 8(2) was inserted by S.I. 1999/651 and substituted by S.S.I. 2001/319.

- (5) The Scottish Ministers–
- (a) shall not be obliged to consider a request pursuant to paragraph (4)(b) which is made after 23rd January 2002; and
 - (b) subject to paragraph (6), shall determine a request pursuant to paragraph (4)(b) not later than 31st January 2002.
- (6) Where a determination, following a request which the Scottish Ministers are obliged to consider, is not made on or before 31st January 2002, it shall be deemed to have been granted on that date.”.

Pentland House,
Edinburgh
28th December 2001

ALASTAIR SIM
A member of the staff of the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Rural Diversification Programme in relation to Dumfries and Galloway and the Scottish Borders as a consequence of the necessary restrictions in place as a result of foot-and-mouth disease, which have meant that many farmers in these areas have not been able to complete projects grant assisted under the Programme in the time scale specified in the particular grant approval.

In such cases, where the Scottish Ministers are so satisfied, the date by which expenditure can be incurred is delayed until 30th June 2002.

Due to the need to allow for time for consideration of requests and for continuity, the date in the Rural Diversification Programme (Scotland) Regulations 1995 is delayed in all cases in those areas by one month.

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