

2004 No. 267

AGRICULTURE

**The Agricultural Business Development Scheme (Scotland)
Amendment Regulations 2004**

<i>Made</i> - - - -	<i>7th June 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>8th June 2004</i>
<i>Coming into force</i> - -	<i>5th July 2004</i>

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 Agricultural Business Development Scheme (Scotland) Amendment Regulations 2004 and shall come into force on 5th July 2004.

Amendment of the Agricultural Business Development Scheme (Scotland) Regulations 2000

2.—(1) The Agricultural Business Development Scheme (Scotland) Regulations 2000(b) are amended in accordance with this regulation.

(2) In regulation 2 (1) (Interpretation), for the definition of “eligible person” substitute—

““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 Part III of the Schedule—

(i) where such legal occupier is a natural person, any member of the immediate family of the legal occupier who resides on or adjacent to that agricultural unit and is acting with the legal occupier’s consent; or

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

(b) S.S.I. 2000/448.

- (ii) where such legal occupier is a partnership or company, any member of the immediate family of a partner in that partnership or a director or secretary of that company who resides on or adjacent to that agricultural unit and is acting with the legal occupier's consent except where that immediate family member is also a partner in that partnership or a director or secretary of that company;”.

Pentland House,
Edinburgh
7th June 2004

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends the Agricultural Business Development Scheme (Scotland) Regulations 2000 (“the principal Regulations”). The principal Regulations set up the Agricultural Business Development Scheme and enable the payment of financial assistance under the Single Programming Document for the Highlands and Islands Special Transitional Programme which, in accordance with Council Regulation 1260/1999 (O.J. No. L 161. 26.6.99, p.1) was approved by the European Commission on 8th August 2000.

Financial assistance under the principal Regulations can be provided for measures which are listed in Parts I, II or III of the Schedule to those Regulations. These measures relate to restructuring of agricultural businesses or reorientation of their production, diversification of farm incomes by creating new or improving existing agricultural activities and diversification outwith agricultural activities to provide alternative sources of income. Any of these measures can also be undertaken as collaborative ventures.

Regulation 2 amends the definition of “eligible person” in the principal Regulations. The definition is amended, in relation to a measure specified in Part II or Part III of the Schedule to the principal Regulations, to include a member of the immediate family of a partner in a partnership or a director or secretary of a company where a partnership or company is the legal occupier and the family member resides on or adjacent to the agricultural unit and is acting with legal occupier’s consent. An immediate family member is excluded in circumstances where that family member is also a partner in the partnership or director or secretary of a company which is the legal occupier.

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