
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 192

The Rural Development (Scotland) Regulations 2015

PART 2

APPLICATIONS, UNDERTAKINGS, CLAIMS AND PAYMENTS

Determination and variation of an application

- 4.—(1) Where an application is made, the appropriate body may—
- (a) approve it in whole or in part and subject to such conditions as that body may determine; or
 - (b) refuse it.
- (2) An applicant must provide any further information or documents as the appropriate body may require.
- (3) Before approving an application under paragraph (1) or varying an approval under paragraph (7)—
- (a) the appropriate body must be satisfied that the application or the variation meets the relevant requirements of the EU Regulations and the SRDP, having regard to the SRDP guidance and the total amount of grant monies available; and
 - (b) in addition, in the case of LEADER grant, the local action group must be satisfied that the application or the variation meets the requirements of the local development strategy.
- (4) Where an application is approved or varied, the appropriate body must determine the approved expenditure and the amount of grant payable to the applicant.
- (5) In relation to an application for grant for support for measures under Article 28 of the Rural Development Regulation (agri-environment-climate), whether that application is approved or refused, the Scottish Ministers may, having regard to the SRDP guidance, reimburse the applicant in respect of part of the costs of any plans which were required to be prepared in connection with the application.
- (6) The appropriate body must notify the applicant in writing of its decision in respect of the application or variation and any conditions as determined by that body.
- (7) The appropriate body may at any time vary an approval including any applicable conditions, whether or not at the request of the beneficiary.
- (8) Before varying an approval (other than at the request of the beneficiary), the appropriate body must give the beneficiary—
- (a) a written explanation of the reasons for the proposed variation; and
 - (b) the opportunity of making written representations within such period as that body considers reasonable.
- (9) If, on the expiry of the period referred to in paragraph (8)(b), the appropriate body has not received any written representations, that body may make the variation as proposed.

(10) If the appropriate body has received written representations within the period referred to in paragraph (8)(b), it must consider any such representations in deciding whether to make any variation.