

SCHEDULE

Regulations 2(1) and 3

Relevant decisions

1. A decision of the Scottish Ministers to postpone, refuse, reduce or recover (in whole or in part) any payment under an IACS scheme, under or in accordance with—
 - (a) Council Regulation 73/2009⁽¹⁾;
 - (b) Commission Regulation 1120/2009;
 - (c) Commission Regulation 1121/2009; or
 - (d) Commission Regulation 1122/2009.
2. A decision of the Scottish Ministers to refuse, reduce or withdraw (in whole or in part) any payment entitlement, under or in accordance with—
 - (a) Council Regulation 73/2009⁽¹⁾;
 - (b) Commission Regulation 1120/2009; or
 - (c) Commission Regulation 1122/2009.
3. A decision of the Scottish Ministers under or in accordance with Article 41 of Council Regulation 73/2009⁽¹⁾ to refuse or withdraw entirely any national reserve entitlement in relation to an application.
4. A decision of the Scottish Ministers under or in accordance with the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011⁽¹⁾.
5. A decision of the Scottish Ministers to withdraw, reduce, recover, suspend or refuse (in whole or in part) any payment of aid or support, or apply an administrative penalty in respect of such aid or support, under or in accordance with—
 - (a) the following provisions of the Horizontal Regulation—
 - (i) Article 54;
 - (ii) Chapters I and II of Title V; or
 - (iii) Title VI, as read with Articles 73 to 75 of the Horizontal Implementing Regulation; or
 - (b) the following provisions of the Horizontal Delegated Regulation, as read with Articles 5 and 6 of the Horizontal Implementing Regulation—
 - (i) Chapters III and IV of Title II;
 - (ii) Title III; or
 - (iii) Chapter II of Title IV.
6. A decision of the Scottish Ministers in respect of the allocation, refusal, withdrawal, recovery or reversion of payment entitlements, under or in accordance with Section 1, 2 or 3 of Chapter I of Title III to the Direct Payments Regulation, Article 63 of the Horizontal Regulation or Article 23 of the Horizontal Implementing Regulation.
7. Insofar as not otherwise falling within paragraph 5, a decision by the Scottish Ministers under regulation 17 of the Rural Development (Scotland) Regulations 2015⁽²⁾ to withhold (in whole or in part) any grant payable, apply a reduction to any payment of grant, recover (in whole or in part) grant paid, revoke an approval or terminate or prohibit the giving of an undertaking.

(1) [S.S.I. 2011/415](#), revoked subject to savings by regulation 10 of [S.S.I. 2014/325](#).

(2) [S.S.I. 2015/192](#).

Status: This is the original version (as it was originally made).

8. Insofar as not otherwise falling within paragraph 5, a decision by the Scottish Ministers under regulation 3(1)(b), (1A), (2) or (3), 4, 5(3), 9(4)(a) or (7), 10(3) or (4) or 15 of the Less Favoured Area Support Scheme (Scotland) Regulations 2010**(3)**.

9. Insofar as not otherwise falling within paragraph 5, a decision by the Scottish Ministers under paragraph 6(4) or (5), 11A(7) or 13(1) of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006**(4)** to withhold any grant payable or to recover any grant paid (in whole or in part), or require payment or any sum.

10. A decision by the Scottish Ministers to apply a reduction to any payment of aid, to withhold any aid payable, recover any aid paid (in whole or in part) or require payment of any sum in terms of—

- (a) regulation 10 of the Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008**(5)**;
- (b) regulation 18 of the Leader Grants (Scotland) Regulations 2008**(6)**;
- (c) regulation 17 of the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008**(7)**;
- (d) regulation 12 of the Forestry Challenge Funds (Scotland) Regulations 2008**(8)**;
- (e) regulation 16 of the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008**(9)**; or
- (f) regulation 11 of the Land Managers Skills Development Grants (Scotland) Regulations 2008**(10)**.

11. A decision of the Scottish Ministers under regulation 4(1)(b), 5, 7(1), 9(4)(b), 10(7), 11(4) or 16 of the Less Favoured Area Support Scheme (Scotland) Regulations 2007**(11)**.

12. A decision by the Scottish Ministers to withhold or recover (in whole or in part) payment of less favoured area support in terms of regulation 16 of—

- (a) the Less Favoured Area Support Scheme (Scotland) Regulations 2004**(12)**; or
- (b) the Less Favoured Area Support Scheme (Scotland) Regulations 2005**(13)**.

13. A decision by the Scottish Ministers under the Land Management Contracts (Menu Scheme) (Scotland) Regulations 2005**(14)**, to withhold any aid due or recover any aid paid (in whole or in part) or require payment of any sum in terms of those Regulations.

14. A decision by the Scottish Ministers under the Organic Aid (Scotland) Regulations 2004**(15)** to withhold or recover (in whole or in part) any payment in terms of regulation 20 of those Regulations.

(3) S.S.I. 2010/273, amended by S.S.I. 2011/73, S.S.I. 2012/24, S.S.I. 2013/9, S.S.I. 2014/7 and S.S.I. 2015/185.

(4) S.S.I. 2006/24, as amended by S.S.I. 2008/58, S.S.I. 2011/72, S.S.I. 2011/262 and S.S.I. 2015/105 and by the Crofting Reform (Scotland) Act 2010 (asp 14), section 1(4).

(5) S.S.I. 2008/64 revoked subject to savings by S.S.I. 2015/192.

(6) S.S.I. 2008/66, revoked subject to savings by S.S.I. 2015/192.

(7) S.S.I. 2008/100, revoked subject to savings by S.S.I. 2015/192.

(8) S.S.I. 2008/135, revoked subject to savings by S.S.I. 2015/192.

(9) S.S.I. 2008/159, revoked subject to savings by S.S.I. 2015/192.

(10) S.S.I. 2008/162, revoked subject to savings by S.S.I. 2015/192.

(11) S.S.I. 2007/439, revoked subject to savings by S.S.I. 2010/273.

(12) S.S.I. 2004/70, revoked subject to savings by S.S.I. 2005/569.

(13) S.S.I. 2005/569, revoked subject to savings by S.S.I. 2007/439.

(14) S.S.I. 2005/225, as amended by S.S.I. 2006/127 and S.S.I. 2006/213.

(15) S.S.I. 2004/143, as amended by S.S.I. 2004/174, S.S.I. 2004/381, S.S.I. 2005/117, S.S.I. 2005/619 and the Crofting Reform (Scotland) Act 2010, section 1(4).

15. A decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under or terminate participation in, the SFGS Farmland Premium Scheme 2003(**16**), in terms of paragraph 14 of that Scheme.

16. A decision by the Scottish Ministers under the Rural Stewardship Scheme (Scotland) Regulations 2001(**17**) to withhold (in whole or in part) any aid due, recover (in whole or in part) any aid paid or require payment of a sum, in terms of those Regulations.

17. A decision by the Scottish Ministers under the Countryside Premium Scheme (Scotland) Regulations 1997(**18**) to withhold (in whole or in part) any grant due, recover (in whole or in part) any grant paid or require payment of a sum, in terms of regulation 12 of those Regulations.

18. A decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under or terminate participation in, in terms of paragraph 14 of,—

- (a) the Farm Woodland Scheme 1988(**19**);
- (b) the Farm Woodland Premium Scheme 1992(**20**); or
- (c) the Farm Woodland Premium Scheme 1997(**21**).

19. A decision by the Scottish Ministers under the Organic Aid (Scotland) Regulations 1994(**22**), to withhold (in whole or in part) any grant due, recover (in whole or in part) any grant paid, or require payment of a sum imposed by way of penalty, in terms of regulation 12 of those Regulations.

20. A decision by the Scottish Ministers under the Habitats (Scotland) Regulations 1994(**23**) to withhold (in whole or in part) any grant due, recover any grant paid (in whole or in part) or require payment of a sum imposed by way of a penalty, in terms of regulation 12 of those Regulations.

21. A decision by the Scottish Ministers under paragraph 8(2) or 12B of the Crofting Counties Agricultural Grants (Scotland) Scheme 1988(**24**) to withhold any grant payable, to recover any grant paid (in whole or in part) or require payment of any sum.

22. A decision by the Scottish Ministers—

- (a) 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
- (b) to withhold (in whole or in part) or require the making of, payment under article 5(a) or 5A of any one of the ESA Orders.

(16) S.S.I. 2003/209, as amended by S.S.I. 2007/146 and the Crofting Reform (Scotland) Act 2010, section 1(4).

(17) S.S.I. 2001/300, as amended by S.S.I. 2003/177, S.S.I. 2003/303, S.S.I. 2004/109, S.S.I. 2004/381, S.S.I. 2005/620, S.S.I. 2009/37 and the Crofting Reform (Scotland) Act 2010 (asp 14), section 1(4).

(18) S.I. 1997/330, as amended by S.S.I. 2004/113 and the Crofting Reform (Scotland) Act 2010, section 1(4).

(19) S.I. 1988/1291, as amended by S.I. 1991/1631, S.I. 1992/905, S.I. 1997/828 and S.I. 2013/1036.

(20) S.I. 1992/905 as amended by S.I. 1997/829, S.S.I. 2003/209, S.I. 2005/3473, S.S.I. 2007/146, S.I. 2013/1036, the Countryside and Rights of Way Act 2000 (c.37) and the Crofting Reform (Scotland) Act 2010, section 1(4).

(21) S.I. 1997/829, as amended by S.S.I. 2000/290, S.S.I. 2003/209, S.S.I. 2005/3473, S.S.I. 2007/146, S.I. 2013/1036, the Countryside and Rights of Way Act 2000 and the Crofting Reform (Scotland) Act 2010, section 1(4).

(22) S.I. 1994/1701, as amended by S.I. 1996/3083, S.S.I. 1999/107, S.S.I. 2004/143, S.I. 2011/1043 and the Crofting Reform (Scotland) Act 2010, section 1(4).

(23) S.I. 1994/2710, revoked subject to savings by S.I. 1996/3035.

(24) S.I. 1988/559, revoked subject to transitional provisions by S.S.I. 2006/24.