
STATUTORY INSTRUMENTS

1996 No. 695

The Countryside Stewardship Regulations 1996

Withholding and recovery of grant

9.—(1) Subject to paragraph (2) below where any applicant for a grant under these Regulations—

- (a) in making the application, or in furnishing any information in connection with the application, has made a statement which is false or misleading in a material respect,
- (b) has failed to do something which he undertook to do if the grant was made, or
- (c) is in breach of any condition subject to which the grant was made,

the Minister may recover the whole or part of any sums paid by way of grant thereunder to him and withhold the whole or part of any further payments of grant payable thereunder to him.

(2) Powers contained in a former scheme agreement to withhold or recover grant shall not be exercised by the Minister in circumstances where it would exceed the powers in paragraph (1) above to exercise them, but subject to that nothing in paragraph (1) above shall be taken to alter the terms of any former scheme agreement.

(3) Where the Minister withholds or recovers grant made in connection with a stewardship agreement under paragraph (1) above, he may also terminate that stewardship agreement by giving notice of such termination to the agreement holder.

(4) Any dispute in any particular case as to the withholding or recovery of grant by reference to paragraph (1) above shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of agreement to be appointed by the President of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act 1950⁽¹⁾ or any statutory modification or re-enactment thereof for the time being in force.

(5) Nothing in the preceding provisions of these Regulations shall be taken to preclude information provided by any person who is or becomes a stewardship agreement holder in connection with entry into his stewardship agreement from being treated as included among information provided by him in connection with an application for grant pursuant to that stewardship agreement.