

---

STATUTORY INSTRUMENTS

---

**1999 No. 651 (S. 41)**

**EUROPEAN COMMUNITIES**

**The Rural Diversification Programme  
(Scotland) Amendment Regulations 1999**

<i>Made</i>	- - - -	<i>4th March 1999</i>
<i>Laid before Parliament</i>		<i>10th March 1999</i>
<i>Coming into force</i>	- -	<i>31st March 1999</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to promotion of rural development<sup>(2)</sup>, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Rural Diversification Programme (Scotland) Amendment Regulations 1999 and shall come into force on 31st March 1999.

(2) In these Regulations “the principal Regulations” means the Rural Diversification Programme (Scotland) Regulations 1995<sup>(3)</sup>.

**Application**

2. These Regulations apply to applications under regulation 4 of the principal Regulations received by the Secretary of State after 30th March 1999.

**Amendment of the principal Regulations**

3. In regulation 2(1) of the principal Regulations (interpretation) there shall be inserted—
- (a) after the definition of “agricultural unit”—  
““alternative agricultural production” does not include beef, dairy, sheep or cereal farming;”; and
  - (b) after the definition of “eligible person” there shall be inserted—

---

(1) 1972 c. 68.

(2) S.I. 1994/1887.

(3) S.I. 1995/3295 as amended by S.I. 1997/722.

““housing for rent” does not include rent to a member of the immediate family of–

- (a) the applicant for financial assistance under regulation 4; or
- (b) any other eligible person by whom the application could have been made;

“immediate family” means wife, husband, son, daughter, mother, father, brother or sister.”.

4. In regulation 3 of the principal Regulations (eligible person) for paragraph (2) there shall be substituted–

“(2) A person shall not cease to be a legal occupier of an agricultural unit, or any part thereof, by reason of having granted a lease under which the unit or part thereof is let for a period of not more than 8 months.”.

5. In regulation 5 of the principal Regulations (restrictions on approval of application) there shall be inserted at the end–

“(4) The Secretary of State shall not approve an application for financial assistance received by him after 31st October 1999.”.

6. In regulation 7 of the principal Regulations (financial assistance)–

(a) after paragraph (1) there shall be inserted–

“(1A) Subject to paragraph (2), the amount of financial assistance payable shall be such amount as the Secretary of State may consider appropriate having regard to the measure proposed and the resources at that time available to the programme.”; and

(b) for paragraph (2)(a) there shall be substituted–

“(2) The amount of financial assistance payable under paragraph (1) above shall be–

- (a) (i) in the case of primary production of aquaculture products, up to 40% of the eligible expenditure; and
- (ii) in the case of any other diversification measure, up to 50% of such expenditure; and”.

7. In regulation 8 of the principal Regulations (claims for financial assistance), there shall be inserted–

(a) at the beginning, “(1) Subject to paragraph (2),”; and

(b) at the end–

“(2) The Secretary of State shall not accept a claim for financial assistance received by him after 31st October 2001.”.

8. For Schedule 2 to the principal Regulations there shall be substituted the Schedule to these Regulations.

### **Revocation**

9. The Rural Diversification Programme (Scotland) Amendment Regulations 1997 are hereby revoked.

St Andrew's House,  
Edinburgh  
4th March 1999

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 3

“SCHEDULE 2

Regulation 7

RURAL DIVERSIFICATION PROGRAMME – DIVERSIFICATION MEASURES

<i>Diversification measures</i>	<i>Kind of work or facility</i>
1. Alternative agricultural production	<p>1. Provision, alteration, enlargement or reconditioning of permanent buildings or other permanent structures.</p> <p>2. Works of a capital nature relating to workshops, office accommodation, stores or processing rooms including the provision or improvement of washing or toilet facilities.</p> <p>3. The provision and installation of fixed equipment or machinery required in connection with the measure.</p> <p>4. Provision or improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</p> <p>5. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and disposal of foul waste associated with the measure.</p> <p>6. Provision or improvement of access roads, paths, fences, hardstandings or car parks required in connection with the measure.</p> <p>7. Provision of nursery stock for propagation and provision of livestock.</p> <p>8. Land preparation works required to assist establishment of a horticultural enterprise, including measures to improve soil fertility to assist establishment of an enterprise producing horticultural crops under glass or polythene structures.</p> <p>9. Marketing or promotion of the measure.</p>
2. Primary production of aquaculture products	<p>1. Provision, alteration, enlargement or reconditioning of permanent buildings or other permanent structures.</p> <p>2. Works of a capital nature relating to workshops, office accommodation or stores including the provision or improvement of washing or toilet facilities.</p> <p>3. The provision and installation of fixed equipment or machinery required in connection with the measure.</p>

<i>Diversification measures</i>	<i>Kind of work or facility</i>
	<ol style="list-style-type: none"><li>4. Provision or improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</li><li>5. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and disposal of foul waste associated with the measure.</li><li>6. Provision or improvement of access roads, paths, fences, hardstandings or car parks required in connection with the measure.</li><li>7. The provision of rafts or boats required in connection with the measure.</li><li>8. Marketing or promotion of the measure.</li></ol>
3. Conversion of redundant farm buildings into housing for rent	<ol style="list-style-type: none"><li>1. Alteration, enlargement or reconditioning of permanent buildings.</li><li>2. Works of a capital nature relating to the conversion of redundant farm buildings into housing for rent including the provision and installation of fixed equipment or machinery required in connection with the measure, including the provision of washing and toilet facilities, facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</li><li>3. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and disposal of foul waste associated with the measure.</li><li>4. Provision or improvement of access roads, paths, fences, hardstandings or car parks associated with the measure.</li><li>5. Marketing or promotion of the measure.</li></ol>
4. On farm processing of agricultural or aquacultural products	<ol style="list-style-type: none"><li>1. Provision, alteration, enlargement or reconditioning of permanent buildings or other permanent structures.</li><li>2. Works of a capital nature relating to workshops, office accommodation, stores or processing rooms including the provision or improvement of washing or toilet facilities.</li><li>3. The provision and installation of fixed equipment or machinery required in connection with the measure.</li></ol>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Diversification measures</i>	<i>Kind of work or facility</i>
	<ol style="list-style-type: none"> <li>4. Provision or improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</li> <li>5. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and disposal of foul waste associated with the measure.</li> <li>6. Provision or improvement of access roads, paths, fences, hardstandings or car parks required in connection with the measure.</li> <li>7. Marketing or promotion of the measure.</li> </ol>
<p>5. Tourist accommodation</p>	<ol style="list-style-type: none"> <li>1. Provision, alteration, enlargement or reconditioning of permanent buildings.</li> <li>2. Works of capital nature relating to provision of tourist accommodation including the provision or improvement of catering, drying, washing or toilet facilities.</li> <li>3. Provision and installation of fixed equipment or machinery required in connection with the measure.</li> <li>4. Provision or improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</li> <li>5. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and the disposal of foul waste associated with the measure.</li> <li>6. Provision or improvement of access roads, paths, fences, hardstandings or car parks associated with the measure.</li> <li>7. Marketing or promotion of the measure.</li> </ol>
<p>6. Tourism facilities</p>	<ol style="list-style-type: none"> <li>1. Provision, alteration, enlargement or reconditioning of permanent buildings forming part of the measure.</li> <li>2. Works of a capital nature relating to provision of information, picnic areas, display or exhibition areas, including fixed seating and shelters, viewing galleries, notices and signs and the provision or improvement of washing or toilet facilities.</li> <li>3. Provision and installation of fixed equipment or machinery required in connection with the measure.</li> </ol>

<i>Diversification measures</i>	<i>Kind of work or facility</i>
	<p>4. Provision and improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</p> <p>5. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for the treatment and disposal of foul waste associated with the measure.</p> <p>6. Provision or improvement of access roads, paths, fences, hardstandings or car parks associated with the measure.</p> <p>7. Works of a capital nature relating to the establishment of nature trails, including–</p> <ul style="list-style-type: none"><li>(a) the establishment of paths and wet areas;</li><li>(b) the clearance of obstacles (other than trees or shrubs);</li><li>(c) the regrading of land; and</li><li>(d) the provision and planting of trees, shrubs or other plants.</li></ul> <p>8. Provision of animals for use in interpretive centres, wildlife parks, children’s zoos or similar facilities.</p> <p>9. Provision or renovation of boats or rafts for use other than commercial fishing.</p> <p>10. Marketing or promotion of the measure.</p>
7. Provision of facilities for sports and recreation	<p>1. Provision, alteration, enlargement or reconditioning of permanent buildings.</p> <p>2. Works of a capital nature relating to provision of picnic areas, office or club house accommodation, including seating and shelter for spectators, and the provision or improvement of drying, washing or toilet facilities.</p> <p>3. Provision and installation of fixed equipment or machinery required in connection with the measure.</p> <p>4. Provision or improvement of facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</p> <p>5. Provision or improvement of roads, paths, fences, hardstanding or car parks associated with the measure.</p>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Diversification measures</i>	<i>Kind of work or facility</i>
	<p>6. Provision or improvement of drainage, including facilities for the disposal of rain and surface water, and facilities for treatment and disposal of foul waste associated with the measure.</p> <p>7. Works of a capital nature relating to the establishments of sports facilities, including–</p> <ul style="list-style-type: none"> <li>(a) field drainage;</li> <li>(b) land levelling or grading;</li> <li>(c) reseeded or regeneration of amenity grassland;</li> <li>(d) laying of turf or hard surfaces; and</li> <li>(e) the establishment of ponds for recreational fishing.</li> </ul> <p>8. Provision or renovation of boats or rafts for use other than commercial fishing.</p> <p>9. Provision of horses or ponies for pony trekking or fish for managed waters.</p> <p>10. Marketing or promotion of the measure.</p>
<p>8. Provision of services</p>	<p>1. Provision, alteration, enlargement or reconditioning of permanent buildings required to provide the service.</p> <p>2. Provision and installation of fixed equipment or machinery required in connection with the measure.</p> <p>3. Provision or improvement of washing or toilet facilities or facilities for the supply of gas, electricity, heating oil or water in connection with the measure.</p> <p>4. Provision or renovation of boats for use other than commercial fishing.</p> <p>5. Marketing or promotion of the measure.”</p>



---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Rural Diversification Programme (Scotland) Regulations 1995 (“the principal Regulations”).

They provide that—

- (a) those eligible to receive financial assistance under the principal Regulations include the father or mother of the legal occupier of an agricultural unit (regulation 3(b));
- (b) a person shall not cease to be a legal occupier of an agricultural unit by reason of having granted a lease of such unit for a period of not more than 8 months (regulation 4);
- (c) applications for financial assistance received after 31st October 1999 shall not be approved and claims for payment received after 31st October 2001 shall not be accepted (regulations 5 and 7); and
- (d) the amount of financial assistance payable in the case of primary production of aquaculture products shall be up to 40% (previously 40%) and in the case of any other diversification measure up to 50% (previously 50%) (regulation 6).

Schedule 2 to the principal Regulations sets out the measures in respect of which financial assistance may be given. These Regulations substitute a new Schedule 2 which restores alternative agricultural production omitted from the Schedule substituted by the Rural Diversification Programme (Scotland) Amendment Regulations 1997 (S.I.1997/722), specifies the conversion of redundant farm buildings into housing for rent as a measure and makes minor drafting changes (regulations 3 and 8).

The Rural Diversification Programme (Scotland) Amendment Regulations 1997 are revoked (regulation 9).