

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2008 No. 100**

**The Rural Development Contracts (Rural  
Priorities) (Scotland) Regulations 2008**

**Powers of recovery etc. of the Scottish Ministers**

17.—(1) The powers conferred by regulations 15 and 16 are—

- (a) to apply a reduction to any payment of aid made, or to be made to the applicant or beneficiary under these Regulations;
- (b) to revoke or vary (including any conditions subject to which it was given) the approval in respect of the whole or any part of a payment of aid to be made;
- (c) to withhold the whole or any part of the aid payable to the beneficiary; and
- (d) to recover on demand the whole or any part of any aid already paid to a beneficiary.

(2) Where the powers specified in paragraph (1) are exercised and the Scottish Ministers also think that the applicant or beneficiary acted recklessly, the Scottish Ministers may also require the beneficiary to pay to the Scottish Ministers an additional sum equal to no more than 10% of the aid paid or payable to the beneficiary.

(3) Where the Scottish Ministers take any step specified in paragraph (1), the Scottish Ministers may also suspend or terminate the undertaking, and thereupon any entitlement of the beneficiary to aid in respect of the unexpired period of the undertaking shall likewise be suspended or terminated, as the case may be.

(4) A reduction under paragraph (1)(a) must be applied in accordance with Council Regulation 1975/2006.

(5) Before the Scottish Ministers do anything under paragraph (1), (2) or (3), they must—

- (a) give the applicant or beneficiary in respect of whom such a step is proposed to be taken, written notification of that step, and if appropriate the amount by which it is proposed that the aid be reduced or the amount of such aid which it is proposed be withheld or recovered;
- (b) give that applicant or beneficiary an opportunity to make representations about the proposed step, within such time and in such form as they think fit; and
- (c) consider such representations.