
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 192

The Rural Development (Scotland) Regulations 2015

PART 3

LEADER

Funding arrangements: LEADER grant

7.—(1) Subject to regulations 9 and 10, the Scottish Ministers must reimburse an accountable body in respect of any payment of LEADER grant made by that body.

(2) The Scottish Ministers may pay an advance to an accountable body in respect of any payment of LEADER grant to be made by that body.

Service level agreement

8.—(1) The Scottish Ministers must conclude a service level agreement with an accountable body.

(2) A service level agreement may, with the agreement of the Scottish Ministers and the accountable body, be amended at any time.

Breach of service level agreement

9.—(1) Where, in the opinion of the Scottish Ministers, an accountable body breaches any of the conditions of a service level agreement, the Scottish Ministers may take any of the following steps—

- (a) specify what is required by the accountable body to remedy the breach and a timescale for meeting any requirement specified;
- (b) refuse to reimburse the accountable body in respect of the whole or part of any payment of LEADER grant made by that body;
- (c) recover on demand the whole or any part of a payment already made available to the accountable body (to include interest on that amount at a rate of one percentage point above the Bank of England base rate calculated (in accordance with regulation 18(3)) on a daily basis for the period beginning with the date of payment and ending on the date of recovery); or
- (d) terminate the service level agreement.

(2) Before taking any step under paragraph (1), the Scottish Ministers must give the accountable body—

- (a) a written explanation of their reasons for proposing to take that step; and
- (b) the opportunity of making written representations within such period as the Scottish Ministers consider reasonable.

(3) If, on the expiry of the period referred to in paragraph (2)(b), the Scottish Ministers have not received any written representations, they may take the proposed step.

(4) If the Scottish Ministers have received written representations within the period referred to in paragraph (2)(b), they must consider any such representations in deciding whether to take the proposed step..

Termination of service level agreement

10.—(1) Where a service level agreement is terminated under regulation 9(1)(d), the Scottish Ministers may—

- (a) require the relevant local action group to select another accountable body with whom Ministers must conclude a service level agreement;
- (b) make such alternative arrangements as Ministers consider appropriate in respect of the reimbursement of any payments of LEADER grant made in respect of the local action group; or
- (c) direct the local action group to take such other steps as Ministers consider appropriate.

(2) Paragraph (1) is without prejudice to the powers of an authorised person acting on behalf of the Scottish Ministers under Part 4.