

SCOTTISH STATUTORY INSTRUMENTS

2015 No. 192

The Rural Development (Scotland) Regulations 2015

PART 5

MISCELLANEOUS

Information and records

19.—(1) A beneficiary must—

- (a) retain all invoices, accounts and other relevant documents in relation to any application, undertaking, claim for payment or grant paid and produce them for inspection if required to do so by an appropriate body; and
- (b) provide such additional information in relation to the application, undertaking, claim for payment or grant paid in pursuance of the application or undertaking as an appropriate body may require.

(2) The duties in paragraph (1) apply—

- (a) in the case of a payment of grant for the purchase of heritable property, for a period of 10 years;
- (b) in any other case, for a period of 6 years,

and, in either case, the period commences on the later of—

- (i) the date of the last payment of grant under these Regulations; or
- (ii) the expiry of the period of the applicable undertaking.

(3) If the beneficiary transfers the original of any document referred to in paragraph (1) to another person in the normal course of business, the beneficiary must keep a copy of that document for the period specified in paragraph (2).

(4) Paragraph (1) does not apply where the document has been removed by any person lawfully authorised to remove it.

Commencement Information

II [Reg. 19](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

SRDP Guidance

20.—(1) The Scottish Ministers must publish guidance from time to time on—

- (a) applying for grant;
- (b) the costs (including the proportion of costs) which may be supported by grant;
- (c) the exercise of powers of recovery under these Regulations; and
- (d) generally, how it is intended that functions should be performed under these Regulations.

(2) Any appropriate body must have regard to any guidance published under paragraph (1) when performing its functions under these Regulations.

(3) Where the Scottish Ministers have published relevant guidance before the coming into force of these Regulations, that is to be treated as guidance for the purposes of these Regulations.

Commencement Information

I2 Reg. 20 in force at 12.6.2015, see **reg. 1(1)**

Agency arrangements

21.—(1) The Scottish Ministers may make an arrangement with another person or body for any of its functions under these Regulations to be exercised by that person or body as its agent.

(2) Such an arrangement must be in writing and signed by or on behalf of the Scottish Ministers and the person or body concerned and may be subject to conditions.

(3) Such an arrangement may be supplemented by a service level agreement or such other written documents as may be agreed by the Scottish Ministers and the person or body concerned.

Commencement Information

I3 Reg. 21 in force at 12.6.2015, see **reg. 1(1)**

Revocations and saving

22.—(1) The Regulations listed in [^{F1}schedule 1] are revoked subject to [^{F2}paragraphs (2) and (3)].

(2) Notwithstanding paragraph (1), those Regulations continue to apply on or after 12th June 2015 in relation to—

- (a) any approval of aid under those Regulations;
- (b) any variation of an approval under those Regulations;
- (c) any undertaking given under or for the purposes of those Regulations;
- (d) any claim for, or payment of, aid under those Regulations; and
- (e) the exercise of any function in relation to—
 - (i) enforcement of the Regulations or recovery of aid under those Regulations;
 - (ii) the variation of any approval or undertaking; or
 - (iii) the acceptance of an undertaking from a new occupier following a change of occupation of all or any part of the land,

where the approval under those Regulations was given or made prior to 12th June 2015 in respect of any measures under Article 20, 36, 52 or 63 of Regulation 1698/2005.

[^{F3}(3) For the purposes of the application of paragraph (2) to [^{F4}the Leader Grants (Scotland) Regulations 2008,] the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 ^{F5} and the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008 ^{F6}, those Regulations are to be read as if the amendments set out in [^{F7}schedules 2 and 3] had been made.]

Textual Amendments

- F1** Words in [reg. 22\(1\)](#) substituted (26.9.2019) by The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/209), regs. 1(1)(a), **2(2)(a)(i)**
- F2** Words in [reg. 22\(1\)](#) substituted (26.9.2019) by The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/209), regs. 1(1)(a), **2(2)(a)(ii)**
- F3** [Reg. 22\(3\)](#) inserted (26.9.2019) by The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/209), regs. 1(1)(a), **2(2)(b)**
- F4** Words in [reg. 22\(3\)](#) inserted (31.12.2020) by The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/209), regs. 1(1)(b), **4(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S.S.I. 2008/100, amended by the Crofting Reform (Scotland) Act 2010 (asp 14), S.S.I. 2008/233, S.S.I. 2009/1, S.S.I. 2009/233, S.S.I. 2009/335, S.S.I. 2009/411, S.S.I. 2010/87, S.S.I. 2010/222, S.S.I. 2010/322, S.S.I. 2010/460, S.S.I. 2011/106, S.S.I. 2011/228, **S.I.** 2011/1043, S.S.I. 2012/215, S.S.I. 2012/307, S.S.I. 2012/360 and S.S.I. 2014/373. S.S.I. 2008/100 was revoked subject to savings by S.S.I. 2015/192.
- F6** S.S.I. 2008/159, amended by the Crofting Reform (Scotland) Act 2010 (asp 14), S.S.I. 2009/155, S.S.I. 2011/85, S.S.I. 2011/228, **S.I.** 2011/1043, S.S.I. 2012/360, S.S.I. 2013/309 and S.S.I. 2014/373. S.S.I. 2008/159 was revoked subject to savings by S.S.I. 2015/192.
- F7** Words in [reg. 22\(3\)](#) substituted (31.12.2020) by The Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/209), regs. 1(1)(b), **4(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I4** [Reg. 22](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Rural Development (Scotland) Regulations 2015, PART 5.