
STATUTORY INSTRUMENTS

1995 No. 3295

**The Rural Diversification Programme
(Scotland) Regulations 1995**

Reduction, withholding or recovery of financial assistance

11.—(1) Subject to paragraph (2) below, if at any time after the Secretary of State has approved an application or paid financial assistance under these Regulations it appears to him that—

- (a) the carrying out or provision of the measure in respect of which such financial assistance is claimed frustrates the purposes served by assistance previously given out of money provided by Parliament or the European Community; or
- (b) the carrying out of the measure in respect of which such financial assistance is claimed has been effected in a way which has destroyed or damaged the natural beauty and amenity of the countryside to an extent which cannot be justified by the purpose for which financial assistance is claimed; or
- (c) public funding in respect of expenditure towards which such financial assistance is claimed has been or may be given otherwise than under these Regulations; or
- (d) the expenditure towards which such financial assistance is claimed is excessive, having regard to the work or facility carried out or provided and to which the claim relates; or
- (e) any condition subject to which the approval was given or the financial assistance has been paid has not been complied with, or the expected benefits have not been achieved for reasons other than circumstances outwith the control of the eligible person; or
- (f) the measure in respect of which financial assistance has been claimed or paid has been badly done or provided, or has been unreasonably delayed or is unlikely to be completed; or
- (g) the eligible person has—
 - (i) intentionally obstructed any officer in exercise of his powers under regulation 10; or
 - (ii) failed to comply with a requirement imposed under regulation 10(1); or
- (h) the eligible person has given information on any matter relevant to the giving of approval or the making of the payment which was false or misleading in a material respect,

the Secretary of State may revoke the approval, in whole or in part, or may reduce or withhold any financial assistance under these Regulations and, where any such financial assistance has been paid, may recover on demand as a debt an amount equal to the financial assistance which has been so paid or such part thereof as he may specify.

(2) Before revoking an approval, reducing or withholding any financial assistance or making a demand under paragraph (1) above, the Secretary of State shall give to any person to whom any such financial assistance would be payable or from whom any such amount would be recoverable a written notification of the reasons for the action proposed to be taken by him, and shall allow that person a period of 21 days in which to make representations in writing to him.