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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 381**

**The Agricultural Subsidies (Appeals)  
(Scotland) Regulations 2004**

**Decisions amenable to review and appeal**

**4.** The following decisions may be reviewed and appealed in accordance with the following provisions of these Regulations:—

- (a) a decision, under or in accordance with Commission Regulation 2419/2001 (including anything done in accordance with Article 47.2 of that Regulation), by the Scottish Ministers to refuse, reduce or recover (in whole or in part) payment under an IACS scheme for any IACS year;
- (b) a decision, under or in accordance with Commission Regulation 2237/2003, by the Scottish Ministers to refuse, reduce or recover (in whole or in part) payment under an IACS scheme for any IACS year;
- (c) a decision by the Scottish Ministers to refuse, reduce or recover (in whole or in part) payment of compensatory allowance under regulation 12, 17 or 18 of the Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999(1);
- (d) a decision by the Scottish Ministers under regulations 4, 6, 8 and 12 of the Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003(2);
- (e) a decision by the Scottish Ministers to withhold or recover (in whole or in part) payment of less favoured area support under regulation 13 of the Less Favoured Area Support Scheme (Scotland) Regulations 2001(3) or under regulation 15 of the Less Favoured Area Support Scheme (Scotland) Regulations 2002(4) or under regulation 17 of the Less Favoured Area Support Scheme (Scotland) Regulations 2003(5) or under regulation 16 of the Less Favoured Area Support Scheme (Scotland) Regulations 2004(6);
- (f) a decision by the Scottish Ministers under regulation 9(9)(c), (10), (12), 10(4), 11(2) or 13(3) to (6) of the Less Favoured Area Support Scheme (Scotland) Regulations 2003;
- (g) a decision by the Scottish Ministers under regulation 7(2), 9(5) 10(4), 10(6) or 11(2) of the Less Favoured Area Support Scheme (Scotland) Regulations 2004;
- (h) a decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under or terminate participation in, the Farm Woodland Scheme 1988(7), in terms of paragraph 14 of that Scheme;
- (i) a decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under

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(1) S.S.I. 1999/187.

(2) S.I.2003/2261.

(3) S.S.I. 2001/50, partially revoked subject to savings by S.S.I. 2002/139.

(4) S.S.I. 2002/139, partially revoked subject to savings by S.S.I. 2003/129.

(5) S.S.I. 2003/129 partially revoked subject to savings by S.S.I. 2004/70.

(6) S.S.I. 2004/70 amended by S.S.I. 2004/128.

(7) S.I. 1988/1291, amended by S.I. 1991/1631, 1992/905 and 1997/828.

- or terminate participation in, the Farm Woodland Premium Scheme 1992**(8)**, in terms of paragraph 14 of that Scheme;
- (j) a decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under or terminate participation in, the Farm Woodland Premium Scheme 1997**(9)**, in terms of paragraph 14 of that Scheme;
- (k) a decision by the Scottish Ministers—
- (i) made under article 5D of any one of the ESA Orders that there has been a breach of any of the requirements of article 4 or 4A of the ESA Order to which that decision relates; or
  - (ii) to withhold (in whole or in part), or require the making of, payment under article 5(a) or under article 5A of one of the ESA Orders**(10)**;
- (l) a decision by the Scottish Ministers to withhold (in whole or in part) any grant due or recover (in whole or in part) any grant paid or require payment of a sum imposed by way of penalty under the Organic Aid (Scotland) Regulations 1994**(11)**, in terms of regulation 12 of those Regulations;
- (m) a decision by the Scottish Ministers to withhold or recover (in whole or in part) any payment under the Organic Aid (Scotland) Regulations 2004, in terms of regulation 20 of those Regulations**(12)**;
- (n) a decision by the Scottish Ministers to withhold (in whole or in part) any grant due or recover (in whole or in part) any grant paid or require payment of a sum imposed by way of penalty under the Habitats (Scotland) Regulations 1994**(13)**, in terms of regulation 12 of those Regulations;
- (o) a decision by the Scottish Ministers to withhold (in whole or in part) any grant due or recover (in whole or in part) any grant paid or require payment of a sum imposed by way of penalty under the Heather Moorland (Livestock Extensification) (Scotland) Regulations 1995**(14)**, in terms of regulation 13 of those Regulations;
- (p) a decision by the Scottish Ministers to withhold (in whole or in part) any grant due or recover (in whole or in part) any grant paid or require payment of a sum under the Countryside Premium Scheme (Scotland) Regulations 1997**(15)**, in terms of regulation 12 of those Regulations;
- (q) a decision by the Scottish Ministers to withhold (in whole or in part) any aid due or recover (in whole or in part) any aid paid or require payment of a sum under the Rural Stewardship Scheme (Scotland) Regulations 2001**(16)**, in terms of those Regulations;
- (r) a decision by the Scottish Ministers to postpone, reduce or withhold (in whole or in part) any payment of grant under, or recover (in whole or in part) any payment under or terminate participation in, the SFGS Farmland Premium Scheme 2003**(17)**, in terms of paragraph 14 of that Scheme.

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**(8)** S.I. 1992/905, amended by S.I. 1997/829, S.S.I. 2003/209.

**(9)** S.I. 1997/829, amended by S.S.I. 2000/290 and 2003/209.

**(10)** Article 4A was inserted into the ESA Orders by S.I. 1994/3067, article 5A was inserted by S.I. 1996/3082 and article 5D was inserted by S.S.I. 2001/226.

**(11)** S.I. 1994/1701, amended by S.I. 1996/3083 and S.S.I. 1999/107 and 2004/143.

**(12)** S.S.I. 2004/143, amended by S.S.I. 2004/174.

**(13)** S.I. 1994/2710, amended by S.I. 1996/3035.

**(14)** S.I. 1995/891, amended by S.I. 1996/3036.

**(15)** S.I. 1997/330 amended by S.S.I. 2004/113.

**(16)** S.S.I. 2001/300 amended by S.S.I. 2003/177 and 303 and 2004/109.

**(17)** S.S.I. 2003/209.

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

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