
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 24

**The Crofting Counties Agricultural
Grants (Scotland) Scheme 2006**

PART 4

GENERAL

Crofters Commission to be agent

11.—(1) The Scottish Ministers hereby appoint the Crofters Commission to be their agent for the purpose of the administration of any grant applied for or made under this Scheme: provided that nothing in this sub paragraph shall be construed as enabling the Crofters Commission to make payment of any grant under this Scheme.

(2) In carrying out its function as agent of the Scottish Ministers under this Scheme, the Crofters Commission shall have the like powers, rights and duties as are conferred upon it by the Scottish Ministers.

Payment of grant in instalments

12. The Scottish Ministers may, at the request of the applicant, make payment of any grant under this Scheme in instalments, which instalments may be paid in such amounts, at such times, either during or after the carrying out of the relevant operation or work, and subject to such conditions as the Scottish Ministers may specify.

Recovery of grant, etc.

13.—(1) Where, after the date upon which any grant, or any instalment of grant, has been paid under this Scheme, the Scottish Ministers are satisfied that the applicant has not complied, or is not complying, with a condition imposed on the applicant—

- (a) under paragraph 4(2) of this Scheme, or paragraph 3 of the Schedule to this Scheme, in relation to the approval of the cost of an operation;
- (b) under paragraph 4(1) of this Scheme, or paragraph 9(2), or paragraph 3 of the Schedule to this Scheme, in relation to a grant; or
- (c) under paragraph 12 of this Scheme in relation to an instalment of grant,

they may recover from the applicant the amount of the grant or of the instalment of the grant paid to the applicant or such part thereof as they may in all the circumstances consider reasonable in like manner as if it were a debt due by the applicant to them.

(2) The Scottish Ministers may terminate an award of grant under paragraph 8 of this Scheme and if they do so, they may also prohibit the applicant from submitting any new grant application for such period from the date of termination as the Scottish Ministers may specify.

(3) The powers conferred on the Scottish Ministers by sub-paragraphs (1) and (2) shall be exercisable by a notice served on the applicant by post at his last known address and in sub-paragraph (2), “specify” means specify in such notice.

- (a) (4) (a) Where the Scottish Ministers exercise the power to recover conferred by this paragraph of this Scheme they may also recover on demand interest on the sum to be recovered at a rate of interest one per centum above the sterling three month London interbank offered rate on a day to day basis from the date of payment until the date of recovery.
- (b) In any proceedings for recovery under this Scheme, a certificate issued by the Scottish Ministers stating the rate or rates of interest, the amount of such interest recoverable and the period for which such interest is calculated, shall unless the contrary is shown, be conclusive of those matters.

Revocation

14. The Crofting Counties Agricultural Grants (Scotland) Scheme 1988⁽¹⁾, the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1992⁽²⁾ and the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1994⁽³⁾ are hereby revoked.

Transitional Provisions

15.—(1) Notwithstanding the revocation of the Schemes referred to in paragraph 14, and subject to the provisions of sub-paragraph (2), any application made before 1st April 2006 for payment of grant under those Schemes shall be administered under those Schemes and grant shall be paid under those Schemes.

(2) In the case of any operation referred to in paragraph 5(1)(b) of the Crofting Counties Agricultural Grants (Scotland) Scheme 1988⁽⁴⁾, any claim for grant made by 31st December 2006 may be administered and paid under that Scheme.

(3) Paragraph 7 of the Crofting Counties Agricultural Grants (Scotland) Scheme 1988 shall not apply to any claim for grant referred to in sub-paragraph (2).

(1) S.I.1988/559, amended by S.I. 1992/3291 and 1994/1013.

(2) S.I.1992/3291.

(3) S.I. 1994/1013.

(4) S.I. 1988/559; paragraph 5(1)(b) was inserted by S.I. 1994/1013, paragraph 3.