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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 100**

**The Rural Development Contracts (Rural  
Priorities) (Scotland) Regulations 2008**

**Interpretation**

2.—(1) In these Regulations—

“1911 Act” means the Small Landholders (Scotland) Act 1911<sup>(1)</sup>;

“1991 Act” means the Agricultural Holdings (Scotland) Act 1991<sup>(2)</sup>;

“1993 Act” means the Crofters (Scotland) Act 1993<sup>(3)</sup>;

“2003 Act” means the Agricultural Holdings (Scotland) Act 2003<sup>(4)</sup>;

“activities” means the activities referred to in regulation 9(1) and columns 2 and 3 of Schedule 2, and “activity” is construed accordingly;

“applicant” means a person who has submitted an application for aid pursuant to regulation 3, the result of which is still pending;

“application for aid” means an application for aid under these Regulations, and “application” is construed accordingly;

“approved proposal” means a proposal for the receipt of aid which the Scottish Ministers have approved under these Regulations for the payment of aid, and “approve” and “approval” are construed accordingly;

“area related options” means those rural priorities options numbered 15 to 57, 60 and 61 in Schedule 2;

“authorised person” means a person who is authorised by the Scottish Ministers under regulation 14, either generally or specifically, to act in relation to matters arising under these Regulations;

“beneficiary” means—

- (a) a person whose application for aid has been approved by the Scottish Ministers; or
- (b) a person who takes on an undertaking on a change of occupation as provided in regulation 13;

“capital items” means the capital items referred to in regulation 9 and column 1 of Schedule 3 and any specific capital items referred to in any rural priorities options and includes the outcome plan in regulation 5, and “capital item” is construed accordingly;

“Commission Regulation 796/2004” means Commission Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC)

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(1) 1911 c. 49.  
(2) 1991 c. 55.  
(3) 1993 c. 44.  
(4) 2003 asp 11.

[No. 1782/2003](#) establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers<sup>(5)</sup>;

“Commission Regulation 1974/2006” means Commission Regulation (EC) No. 1974/2006, as amended by Commission Regulations (EC) No. 434/2007<sup>(6)</sup> and (EC) 1236/2007<sup>(7)</sup> laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)<sup>(8)</sup>;

“Commission Regulation 1975/2006” means Commission Regulation (EC) No. 1975/2006<sup>(9)</sup> as corrected by Commission Regulation (EC) No. 1396/2007<sup>(10)</sup> laying down detailed rules for the implementation of Council Regulation (EC) No. 1698/2005, as regards the implementation of control procedures as well as cross compliance in respect of rural development support measures;

“compliance requirements” means the compliance requirements specified in regulation 9(5);

“Council Regulation 1782/2003” means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers<sup>(11)</sup>;

“Council Regulation 1698/2005” means Council Regulation (EC) No. 1698/2005<sup>(12)</sup>, as amended by Council Regulations (EC) No. 1944/2006<sup>(13)</sup> and (EC) No. 2012/2006<sup>(14)</sup> on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);

“Crofters Commission” means the Crofters Commission established under section 1 of the Crofters (Scotland) Act 1955<sup>(15)</sup>;

“eligible land” means land which is eligible in accordance with regulation 7 as read with any relevant specific requirements under the particular rural priorities options;

“grazings committee” means a committee appointed under section 47(1) or (3) of the 1993 Act and includes a grazing constable;

“holding” means all the production units managed by a farmer that are situated within Scotland;

“IACS Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005<sup>(16)</sup>;

“IACS year” has the meaning given to it in regulation 2(1) of the IACS Regulations;

“landlord” means–

- (a) in the case of an agricultural lease constituting a 1991 Act tenancy within the meaning of the 2003 Act, the landlord within the meaning of section 85 of the 1991 Act;
- (b) in the case of a lease constituting a limited duration tenancy or short limited duration tenancy under the 2003 Act, the landlord within the meaning of section 93 of that Act;
- (c) in the case of a croft within the meaning of the 1993 Act, the landlord within the meaning of section 61(1) of that Act;

(5) O.J. No. L 141, 30.4.2004, p.18 as last relevantly amended by Commission Regulation (EC) No. 1550/2007 (O.J. No. L 337, 21.12.2007, p.79).

(6) O.J. No. L 104, 21.4.2007, p.8.

(7) O.J. No. L 280, 24.10.2007, p.3.

(8) O.J. L 368, 23.12.2006, p.15.

(9) O.J. No. L 368, 23.12.2006, p.74.

(10) O.J. No. L 311, 29.11.2007, p.3.

(11) O.J. No. L 270, 21.10.2003, p.1 as last amended by Council Regulation (EC) No. 146/2008 (O.J. No. L 46, 21.02.2008, p.1).

(12) O.J. No. L 277, 21.10.2005, p.1.

(13) O.J. No. L 367, 22.12.2006, p.23.

(14) O.J. No. L 384, 29.12.2006, p.8.

(15) 1955 c. 21 repealed by the Crofters (Scotland) Act 1993 (c. 4) which continued in existence the Crofters Commission.

(16) S.I.2005/218.

(d) in the case of a holding within the meaning of the 1911 Act to which the 1991 Act does not apply, the same as it means in the 1911 Act,

and, where appropriate, includes a head tenant;

“programme guidance” means the guidance published by the Scottish Ministers from time to time under regulation 21(17);

“regional priorities” means those descriptions of those national policy outcomes which have been identified as regionally important as outlined in the programme guidance;

“relevant period” means the period of the undertaking as determined under regulation 9(2) and the relevant period may be different for each different undertaking;

“rural priorities options” means the options set out in Schedule 2;

“single application” has the meaning given to it in Article 2(11) of Commission Regulation 796/2004;

“tenant” means—

(a) in the case of an agricultural lease constituting a 1991 Act tenancy within the meaning of the 2003 Act, the tenant within the meaning of section 85 of the 1991 Act;

(b) in the case of a lease constituting a limited duration tenancy or short limited duration tenancy under the 2003 Act, the tenant within the meaning of section 93 of that Act;

(c) in the case of a croft within the meaning of the 1993 Act, the crofter within the meaning of section 3(3) of that Act;

(d) in the case of a holding within the meaning of the 1911 Act to which the 1991 Act does not apply, the landholder within the meaning of section 2(2) of the 1911 Act,

and, where appropriate, includes a sub tenant; and

“undertaking” means an undertaking or undertakings in writing given by a beneficiary in accordance with regulation 9.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15 of the Electronic Communications Act 2000(18) which has been recorded and is consequently capable of being reproduced.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or numbered Schedule will be construed as a reference to the regulation or Schedule so numbered in these Regulations.

(4) Any reference in these Regulations to a numbered paragraph, shall be construed as a reference to the paragraph so numbered in the regulation or Schedule in which the reference occurs.

(5) Words and phrases used in Schedules 2 to 4 and not defined in paragraph (1) or in the particular Schedule will be construed in accordance with Schedule 1.

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(17) The programme guidance is available online at [www.scotland.gov.uk](http://www.scotland.gov.uk) or from Scottish Government Rural Directorate, Pentland House, Robb’s Loan, Edinburgh, EH14 1TY.

(18) 2000 c. 7 as amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).