

## SCHEDULE

Regulation 2(1) and 3

### Relevant Decisions

**1.** A decision by the Scottish Ministers under or in accordance with Commission Regulation 2419/2001 (including anything done in accordance with Article 47(2) of that Regulation) to refuse, reduce or recover (in whole or in part) payment under an IACS Scheme for any IACS year.

**2.** A decision by the Scottish Ministers under or in accordance with Commission Regulation 2237/2003 to postpone, refuse, reduce or recover (in whole or in part) payment under an IACS Scheme for any IACS year.

**3.** A decision by the Scottish Ministers under or in accordance with Council Regulation 1782/2003, Council Regulation 73/2009 of Commission Regulation 795/2004 or Commission Regulation 796/2004 to refuse, reduce or recover (in whole or in part) any payment under an IACS scheme for any IACS year insofar as the grounds of appeal have not already formed part of grounds of appeal under any of paragraphs (4) to (10) below.

**4.** A decision by the Scottish Ministers under Article 12 of Commission Regulation 795/2004 in accordance with Title III of Council Regulation 1782/2003 to refuse, reduce or withdraw (in whole or in part) any payment entitlement (including any set-aside or special entitlement).

**5.** A decision by the Scottish Ministers under Article 40 of Council Regulation 1782/2003 to refuse (in whole or in part) a request to have an applicant's reference amount calculated on the basis that the applicant's production was adversely affected by force majeure or exceptional circumstances or agri-environment commitments.

**6.** A decision by the Scottish Ministers under or in accordance with Article 42 of Council Regulation 1782/2003 to refuse or withdraw entirely any national reserve entitlement in relation to an application.

**7.** A decision by the Scottish Ministers under or in accordance with Council Regulation 1782/2003, Commission Regulation 795/2004, Commission Regulation 796/2004 or Council Regulation 73/2009 to refuse, reduce or withdraw (in whole or in part) any other payment entitlement.

**8.** A decision by the Scottish Ministers under or in accordance with Council Regulation 1782/2003, Commission Regulation 795/2004 or Council Regulation 73/2009 to refuse the transfer (in whole or in part) of any payment entitlement.

**9.** A decision by the Scottish Ministers under or in accordance with the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004 in relation to a holding<sup>(1)</sup>.

**10.** Any decision by the Scottish Ministers under or in accordance with Council Regulation 1782/2003, Commission Regulation 795/2004, Commission Regulation 796/2004, Commission Regulation 2237/2003 or Council Regulation 73/2009 in respect of part of a holding outwith Scotland or legislation implementing any of those instruments in any other part of the United Kingdom.

**11.** A decision by the Scottish Ministers under regulation 13 of the Less Favoured Area Support Scheme (Scotland) Regulations 2001<sup>(2)</sup> or under regulation 15 of the Less Favoured Area Support Scheme (Scotland) Regulations 2002<sup>(3)</sup> or under regulation 17 of the Less Favoured Area Support Scheme (Scotland) Regulations 2003<sup>(4)</sup> or under regulation 16 of the Less Favoured Area Support Scheme (Scotland) Regulations 2004<sup>(5)</sup> or under regulation 16 of the Less Favoured Area Support

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(1) S.S.I. 2004/518 as amended by S.S.I. 2005/143 and 2007/99.

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

(3) S.S.I. 2002/139 partially revoked subject to savings by S.S.I. 2003/129 and S.S.I. 2004/381.

(4) S.S.I. 2003/129 partially revoked subject to savings by S.S.I. 2004/70 and 381.

(5) S.S.I. 2004/70 partially revoked subject to savings by S.S.I. 2005/569 and remaining provisions amended by S.S.I. 2005/64 and 2004/128, 381.

Scheme (Scotland) Regulations 2005(6) to withhold or recover (in whole or in part) payment of less favoured area support.

**12.** A decision by the Scottish Ministers under regulations 9(9)(c), (10) or (12), 10(4), 11(2) or 13(3) to (6) of the Less Favoured Area Support Scheme (Scotland) Regulations 2003(7).

**13.** A decision by the Scottish Ministers under regulations 4(1)(b), 5, 7(1), 9(4)(b), 10(7), 11(4), 16 or 16A of the Less Favoured Area Support Scheme (Scotland) Regulations 2007(8).

**14.** 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(9), in terms of paragraph 14 of that Scheme.

**15.** 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 1992(10), in terms of paragraph 14 of that Scheme.

**16.** 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(11), in terms of paragraph 14 of that Scheme.

**17.** A decision by the Scottish Ministers 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(12).

**18.** A decision by the Scottish Ministers 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(13).

**19.** A decision by the Scottish Ministers under the Organic Aid (Scotland) Regulations 1994(14), in terms of regulation 12 of those Regulations 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.

**20.** A decision by the Scottish Ministers under the Organic Aid (Scotland) Regulations 2004(15) to withhold or recover (in whole or in part) any payment in terms of regulation 20 of those Regulations.

**21.** A decision by the Scottish Ministers under the Habitats (Scotland) Regulations 1994(16) 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 in terms of regulation 12 of those Regulations.

**22.** A decision by the Scottish Ministers under the Countryside Premium Scheme (Scotland) Regulations 1997(17) 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 in terms of regulation 12 of those Regulations.

**23.** A decision by the Scottish Ministers under the Rural Stewardship Scheme (Scotland) Regulations 2001(18), 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 in terms of those Regulations.

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(6) S.S.I. 2005/569 partially revoked subject to savings by S.S.I. 2007/439.

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

(8) S.S.I. 2007/439 as amended by S.S.I. 2008/294.

(9) S.S.I. 1988/129 amended by S.I. 1991/1631, 1992/905 and 1997/828.

(10) S.I. 1992/905 amended by S.I. 1997/829, S.S.I. 2003/209, S.I. 2005/4743 and S.S.I. 2007/146.

(11) S.I. 1997/828 amended by S.S.I. 2000/290, 2003/209 and 2007/146 and S.I. 2005/4743.

(12) Article 4A was inserted into each of 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.

(13) Article 5A was inserted into each of the ESA Orders by S.S.I. 1996/3082.

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

(15) S.S.I. 2004/143, amended by S.S.I. 2004/174 and 381, 2005/117 and 619.

(16) S.I. 1994/2710 amended by S.I. 1996/3035.

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

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

**24.** 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(**19**), in terms of paragraph 14 of that Scheme.

**25.** A decision by the Scottish Ministers under the Land Management Contracts (Menu Scheme) Regulations 2005(**20**), to withhold any aid due or recover any aid paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**26.** A decision by the Scottish Ministers under paragraph 8(2) or 12B of the Crofting Counties Agricultural Grants (Scotland) Scheme 1988(**21**) to withhold any grant payable, or to recover any grant paid, made on or after 17th March 2008 in relation to an application being administered on that date under that Scheme.

**27.** A decision by the Scottish Ministers under paragraph 6(4) or (5), 11A(7) or 13(1) of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006 not to pay a grant, to withhold any grant payable or to recover any grant paid (in whole or in part), or require payment of any sum, made on or after 17th March 2008 in connection with any application made under that Scheme.

**28.** A decision by the Scottish Ministers under the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(**22**), to withhold any aid due or recover any aid paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**29.** A decision by the Scottish Ministers under the Leader Grants (Scotland) Regulations 2008(**23**) to withhold any aid due or recover any aid paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**30.** A decision by the Scottish Ministers under the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008(**24**), to apply a reduction to any payment of aid or to withhold any aid due or recover any aid paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**31.** A decision by the Scottish Ministers under the Land Managers Skills Development Grants (Scotland) Regulations 2008(**25**), to apply a reduction to any payment of grant or to withhold any grant due (in whole or in part) or recover any grant paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**32.** A decision by the Scottish Ministers under the Forestry Challenge Funds (Scotland) Regulations 2008(**26**), to apply a reduction to any payment of grant or to withhold any grant due (in whole or in part) or recover any grant paid (in whole or in part) or require payment of any sum in terms of those Regulations.

**33.** A decision by the Scottish Ministers under the Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008(**27**), to apply a reduction to any payment of grant or to withhold any grant due (in whole or in part) or recover any payment of grant or require payment of any sum in terms of those Regulations.

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(19) [S.S.I. 2003/209](#) as amended by [S.S.I. 2007/146](#).

(20) [S.S.I. 2005/225](#) amended by [2006/213](#).

(21) The 1988 Scheme was amended by the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1992 and the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1994. Those Schemes were revoked by paragraph 14 of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006 (“the 2006 Scheme”), but the 1988 Scheme, as amended, continues in force, by virtue of paragraph 15 of the 2006 Scheme, for the purpose of administering applications made under the 1988 Scheme before 1st April 2006.

(22) [S.S.I. 2008/100](#) amended by [S.S.I. 2008/233](#), [2009/1](#), [233](#) and [335](#).

(23) [S.S.I. 2008/66](#).

(24) [S.S.I. 2008/159](#) amended by [S.S.I. 2009/155](#).

(25) [S.S.I. 2008/162](#).

(26) [S.S.I. 2008/135](#).

(27) [S.S.I. 2008/64](#).

**Status:** *This is the original version (as it was originally made).*