
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 192

The Rural Development (Scotland) Regulations 2015

PART 2

APPLICATIONS, UNDERTAKINGS, CLAIMS AND PAYMENTS

Application

3. An application is to be made at such time, in such form and include such information as the appropriate body may from time to time require.

Commencement Information

II [Reg. 3](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

Determination and variation of an application

- 4.—(1)** Where an application is made, the appropriate body may—
- (a) approve it in whole or in part and subject to such conditions as that body may determine; or
 - (b) refuse it.
- (2) An applicant must provide any further information or documents as the appropriate body may require.
- (3) Before approving an application under paragraph (1) or varying an approval under paragraph (7)—
- (a) the appropriate body must be satisfied that the application or the variation meets the relevant requirements of the EU Regulations and the SRDP, having regard to the SRDP guidance and the total amount of grant monies available; and
 - (b) in addition, in the case of LEADER grant, the local action group must be satisfied that the application or the variation meets the requirements of the local development strategy.
- (4) Where an application is approved or varied, the appropriate body must determine the approved expenditure and the amount of grant payable to the applicant.
- (5) In relation to an application for grant for support for measures under Article 28 of the Rural Development Regulation (agri-environment-climate), whether that application is approved or refused, the Scottish Ministers may, having regard to the SRDP guidance, reimburse the applicant in respect of part of the costs of any plans which were required to be prepared in connection with the application.
- (6) The appropriate body must notify the applicant in writing of its decision in respect of the application or variation and any conditions as determined by that body.
- (7) The appropriate body may at any time vary an approval including any applicable conditions, whether or not at the request of the beneficiary.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Rural Development (Scotland) Regulations 2015, PART 2. (See end of Document for details)

(8) Before varying an approval (other than at the request of the beneficiary), the appropriate body must give the beneficiary—

- (a) a written explanation of the reasons for the proposed variation; and
- (b) the opportunity of making written representations within such period as that body considers reasonable.

(9) If, on the expiry of the period referred to in paragraph (8)(b), the appropriate body has not received any written representations, that body may make the variation as proposed.

(10) If the appropriate body has received written representations within the period referred to in paragraph (8)(b), it must consider any such representations in deciding whether to make any variation.

Commencement Information

I2 [Reg. 4](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

Undertakings and transfer of holdings

5.—(1) A beneficiary must give the appropriate body such written undertaking in respect of such period or periods as the appropriate body considers appropriate for the purposes of these Regulations.

(2) Paragraph (3) applies where—

- (a) an appropriate body has, under regulation 4(7), varied an approval where a person other than the original applicant is to be the beneficiary; or
- (b) subject to Article 47(2) of the Rural Development Regulation, there has been a transfer of all or any part of the land in respect of which an undertaking has been given.

(3) Where this paragraph applies, the appropriate body may accept a written undertaking from the new beneficiary or occupier of the land given within and in respect of such period and subject to such conditions as the appropriate body considers appropriate.

(4) For the purposes of Article 8(3)(a) of the Horizontal Implementing Regulation, the period within which the transferee must inform the appropriate body of the transfer and request any claim for payment, is 90 days beginning with the first day after the date of transfer.

Commencement Information

I3 [Reg. 5](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

Claims and payments of grant

6.—(1) Payment of grant by an appropriate body is subject to it receiving a claim for payment by the beneficiary at such time and in such form and manner as the appropriate body may require.

(2) The beneficiary must provide all particulars and information and copies of such documents and records relating to a claim for payment as the appropriate body may require.

(3) The appropriate body may pay a grant by way of a lump sum or in instalments.

(4) Before paying a grant, the appropriate body must be satisfied that any applicable eligibility conditions and requirements, including those referred to in any undertakings, have been met, in addition to being satisfied as regards the matters mentioned in regulation 4(3).

Commencement Information

I4 [Reg. 6](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Rural Development (Scotland) Regulations 2015, PART 2.