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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 192**

**The Rural Development (Scotland) Regulations 2015**

**PART 4**

**ENFORCEMENT, OFFENCES AND RECOVERY OF GRANT**

**Recovery of undue payments, interest and set-off**

**18.**—(1) Where a beneficiary is liable to repay all or part of a payment of grant under these Regulations in accordance with Article 7(1) of the Horizontal Implementing Regulation, the amount of the repayment, together with the interest on that amount calculated in accordance with paragraph (3), is recoverable as a debt.

(2) In any legal proceedings brought pursuant to paragraph (1), a certificate of the Scottish Ministers which—

- (a) sets out the Bank of England base rate applicable during a specified period; and
- (b) includes a statement that the Bank of England [<sup>F1</sup>, the coordinating body or, on or after IP completion day, the appropriate authority] notified the Scottish Ministers of that rate for that period,

is evidence of the rate applicable during that period.

(3) Interest may be charged in respect of each day of the period referred to in Article 7(2) of the Horizontal Implementing Regulation and for this purpose the rate of interest applicable on any day is one percentage point above the Bank of England base rate on that day.

(4) Any payment due in accordance with paragraph (1) may be set off against any amount due to a beneficiary under and in accordance with these Regulations, the EU Regulations, the applicable Regulations or Regulation 1698/2005.

(5) In this regulation—

[<sup>F2</sup>“the appropriate authority” means the Secretary of State, the Department of Agriculture, Environment and Rural Affairs, the Scottish Ministers and the Welsh Ministers acting jointly;]

“the Bank of England base rate” means—

- (a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the markets; or
- (b) if an order under section 19 (reserve powers) of the Bank of England Act 1998(1) is in force, an equivalent determined by the Treasury under that section; and

“the coordinating body” means the coordinating body referred to in regulation 3 of the Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014(2)<sup>F3</sup> as those Regulations had effect immediately before IP completion day.]

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**Textual Amendments**

- F1** Words in reg. 18(2)(b) substituted (31.12.2020) by [The Common Agricultural Policy \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/60\)](#), regs. 1(1)(b), **7(5)(a)** (as amended by [S.S.I. 2020/368](#), regs. 1(2), **3(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in reg. 18(5) inserted (31.12.2020) by [The Common Agricultural Policy \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/60\)](#), regs. 1(1)(b), **7(5)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 18(5) inserted (31.12.2020) by [The Common Agricultural Policy \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/60\)](#), regs. 1(1)(b), **7(5)(b)(ii)** (as amended by [S.S.I. 2020/368](#), regs. 1(2), **3(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
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**Commencement Information**

- I1** [Reg. 18](#) in force at 12.6.2015, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Rural Development (Scotland) Regulations 2015, Section 18.