
STATUTORY INSTRUMENTS

1991 No. 780

**The Highlands and Islands Rural
Enterprise Programme Regulations 1991**

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding, the use of land as grazing land, meadow land, osier land, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and “agricultural” shall be construed accordingly;

“agricultural holding” means an agricultural holding as defined in section 1 of the Agricultural Holdings (Scotland) Act 1949(1);

“agricultural unit” means a croft, agricultural holding or smallholding within the programme area;

“apportioned land” means land formerly part of common grazings apportioned by the Crofters Commission under section 27(3) and (4) of the Crofters (Scotland) Act 1955(2) for the exclusive use of a crofter;

“approved” means approved by the Secretary of State in writing and “approve” and “approval” shall be construed accordingly;

“Business Development Scheme” means the scheme to assist the development or expansion of any economic measure of the type set out in the Schedules to these Regulations on or related to the agricultural unit;

“Commission Decision” means the Commission Decision of 18th March 1991 approving the rural enterprise programme(3);

“Community assistance” means assistance from the Guidance Section of the European Agricultural Guarantee and Guidance Fund payable in accordance with Council Regulations;

“Council Regulations” means—

- (a) Council Regulation (EEC) No 2052/88 of 24th June 1988(4) on the tasks of the Structural Funds and their effectiveness and on co-ordination of their activities between themselves and with the operation of the European Investment Bank and other existing financial instruments;
- (b) Council Regulation (EEC) No 4253/88 of 19th December 1988(5) laying down provisions for implementing Regulation (EEC) No 2052/88 as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments; and

(1) 1949 c. 75.

(2) 1955 c. 21; section 27(3) was amended by the Crofters (Scotland) Act 1961 (c. 58), s.15(4).

(3) OJ No. L

(4) OJ L185, 15.7.88, p.9.

(5) OJ L374, 31.12.88, p.1.

(c) Council Regulation (EEC) No 4256/88 of 19th December 1988⁽⁶⁾ laying down provisions for implementing Council Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section;

“croft” has the same meaning as in section 3 of the Crofters (Scotland) Act 1955⁽⁷⁾;

“eligible expenditure” means expenditure, including expenditure incurred in determining the feasibility of the project and professional fees and charges incurred in the preparation of the project, approved in relation to measures to be undertaken under the Business Development Scheme;

“eligible person” means a person who is an owner, tenant or any other legal occupier of the agricultural unit or any person authorised to act on his behalf;

“financial assistance” means Community assistance and grant or grant and environment management payments made under these Regulations;

“horticulture” means fruit, vegetables of a kind grown for human consumption, including mushrooms and other edible fungi (main crop potatoes or peas grown for seed or harvesting dry are excluded), flowers, pot plants, decorative foliage, herbs, seeds (other than pea seeds), bulbs and other planting material being seeds, bulbs, or material for sowing or planting either for the production of the produce included above or for the reproduction of such seeds, bulbs or planting materials and trees and shrubs other than trees grown for the purpose of afforestation;

“inbye land” means any land which is, or has been enclosed or delineated by fences, dykes, hedges etc. (including apportioned land) which has been used for cultivation, production of forage or closely controlled grazing by livestock;

“livestock” includes any creature kept for the production of food, wool, skins, or fur or for the purposes of use in the farming of land;

“nursery stock” means trees (but not for afforestation) shrubs, herbaceous and alpine plants;

“programme” means the rural enterprise programme;

“programme area” means the area of Scotland referred to in regulation 1(2);

“project” means a project comprising diversification measures alone or diversification measures together with either ancillary agricultural measures or environmental measures or both of them;

“rural enterprise programme” means the operational programme submitted for Community assistance under Article 14 of the Council Regulation (EEC) No. 4235/88 and approved by the Commission Decision;

“set-aside land” means set-aside land as defined in regulation 2 of the Set-Aside Regulations 1988⁽⁸⁾;

“smallholding” means any holding within the meaning of section 2 and section 32 of the Small Landholders (Scotland) Act 1911⁽⁹⁾;

“tenant” means—

- (a) in the case of an agricultural holding a tenant within the meaning of section 93(1) of the Agricultural Holdings (Scotland) Act 1949;
- (b) in the case of a croft, a crofter within the meaning of section 3(2) of the Crofters (Scotland) Act 1955;

⁽⁶⁾ OJ L374, 31.12.88, p.25.

⁽⁷⁾ 1955 c. 21; section 3(1) was amended by the Crofters (Scotland) Act 1961 (c. 58), Schedule 1, Part II, paragraph 9; section 3(5) was substituted and section 3(6) was inserted by the Crofting Reform (Scotland) Act 1976 (c. 21), section 14.

⁽⁸⁾ S.I.1988/1352.

⁽⁹⁾ 1911 c. 49; section 2 was extended by the Small Landholders and Agricultural Holdings (Scotland) Act 1931 (c. 44), section 14 and both section 2 and 32 were restricted by the Crofters (Scotland) Act 1955 (c. 21), Schedule 6, Part I.

- (c) in the case of a smallholding, a landholder within the meaning of section 2(2) of the Small Landholders (Scotland) Act 1911 or a statutory small tenant within the meaning of section 32(1) of that Act;

“traditional winter keep” means the production of oats, barley, rye, bere, turnips, kale and hay.

(2) References in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.