
STATUTORY INSTRUMENTS

1992 No. 772 (S. 80)

EUROPEAN COMMUNITIES

The Highlands and Islands Rural Enterprise Programme (Amendment) Regulations 1992

<i>Made</i>	- - - -	<i>16th March 1992</i>
<i>Laid before Parliament</i>		<i>16th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to the common agricultural policy of the European Economic Community⁽²⁾, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Highlands and Islands Rural Enterprise Programme (Amendment) Regulations 1992 and shall come into force on 6th April 1992.

Amendment of the Highlands and Islands Rural Enterprise Programme Regulations 1991

2. The Highlands and Islands Rural Enterprise Programme Regulations 1991⁽³⁾ shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1) (interpretation)—

(a) immediately after the definition of “agricultural unit” there shall be inserted the following definition:—

““animal” has the same meaning as in the Zoo Licensing Act 1981⁽⁴⁾”;

(b) in the definition of “eligible person” at the end there shall be added the following words “or any member of the immediate family of the person, residing on or adjacent to the agricultural unit and acting with the person’s consent”;

(c) immediately after the definition of “financial assistance” there shall be inserted the following definition:—

(1) 1972 c. 68.
(2) S.I. 1972/1811.
(3) S.I. 1991/780.
(4) 1981 c. 37.

““immediate family” means the husband, wife, son daughter, brother or sister of the eligible person;”;

(d) the definition of “horticulture” shall be deleted.

4. In regulation 3 (selection of areas), after paragraph (2) there shall be added the following paragraph:—

“(3) On selecting an area in accordance with the foregoing provisions of this regulation, the Secretary of State shall publish in the Edinburgh Gazette a Notice of the area so selected.”.

5. In regulation 4(2) (approval of application), after sub-paragraph (f), there shall be added the following sub-paragraph:—

“(g) confirmation that public funding towards the cost of the project has not been sought otherwise than under these Regulations and that it is not intended to seek such funding.”.

6. For paragraph (2) of regulation 5 (restriction on approval of application) there shall be substituted the following paragraph:—

“(2) The Secretary of State shall not approve an application for financial assistance where public funding has been given towards the cost of the project otherwise than under these Regulations.”.

7. In regulation 11(1)(c) (reduction or withholding of financial assistance), the word “public” shall be inserted immediately before the word “funding”.

8. In regulation 12 (revocation of approval and recovery of financial assistance)—

(a) the word “or” shall be inserted at the end of paragraphs (c) and (d)(ii);

(b) immediately after the word “demand” there shall be inserted the following words:—

“,except where approval has been revoked solely by virtue of paragraph (c) above,”;

(c) at the end of the regulation there shall be added the following words:—

“and shall allow that person a period of 21 days in which to make representations in writing to him.”.

9. In Schedule 1 (business development scheme — diversification measures), in column 2 (kind of work or facility)—

(a) opposite item 1 (alternative agricultural production or aquaculture) of column 1—

(i) for paragraph 8, there shall be substituted the following paragraph:—

“8. Provision of nursery stock for propagation and provision of livestock.”;

(ii) after paragraph 8, there shall be added the following paragraph:—

“9. Land preparation works required to assist establishment of a horticultural enterprise, including measures to improve soil fertility to assist establishment of an enterprise producing horticultural crops under glass or polythene structures.”;

(b) opposite item 3 (tourism facilities) of column 1—

(i) in paragraph 2, the words “picnic areas,” shall be inserted immediately before the word “display”;

(ii) after paragraph 7 there shall be added the following paragraphs:—

“8. Provision of animals for use in interpretive centres, wildlife parks, children’s zoos and similar enterprises.

9. Provision or renovation of boats.”;
- (c) opposite item 4 (provision of facilities for sports and recreation) of column 1—
- (i) in paragraph 2 the words “provision of picnic areas,” shall be inserted immediately before the word “office”;
- (ii) after paragraph 6 there shall be added the following paragraphs:—
- “7. Provision or renovation of boats.
8. Provision of horses and ponies for pony trekking and fish for managed waters.”;
- (d) opposite item 5 (provision of services) of column 1 after paragraph 3 there shall be added the following paragraph:—
- “4. Provision or renovation of boats for use other than commercial fishing.”.

St. Andrew’s House,
Edinburgh
16th March 1992

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Highlands and Islands Rural Enterprise Programme Regulations 1991.

The Regulations in particular:—

- (a) extend the definition of “eligible person” to enable applications to be received from members of the immediate family of the occupier of the agricultural unit (regulation 3(b) and (c));
- (b) provide for notice to be published of areas selected for the operation of the scheme (regulation 4);
- (c) allow a period of 21 days for representations to be made against a decision to revoke approval of an application or to recover financial assistance paid (regulation 8(c));
- (d) extend the diversification measures for which assistance may be given (regulations 3(a) and 9);
- (e) make certain other minor and drafting amendments (regulations 3(d), 5, 6, 7, 8(a) and (b)).