
STATUTORY INSTRUMENTS

1994 No. 1013 (S. 45)

**CROFTERS, COTTARS AND
SMALL LANDHOLDERS**

**The Crofting Counties Agricultural Grants
(Scotland) Amendment Scheme 1994**

<i>Made</i>	- - - -	<i>29th March 1994</i>
<i>Laid before Parliament</i>		<i>8th April 1994</i>
<i>Coming into force</i>	- -	<i>15th April 1994</i>

The Secretary of State in exercise of the powers conferred on him by section 42(1), (2) and (3) and section 46(4) of the Crofters (Scotland) Act 1993((1)), and of all other powers enabling him in that behalf, and after consultation with the Crofters Commission and with the approval of the Treasury, hereby makes the following Scheme:

Citation and commencement

1. This Scheme may be cited as the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1994 and shall come into force on 15th April 1994.

Amendment of the Crofting Counties Agricultural Grants (Scotland) Scheme 1988

2. The Crofting Counties Agricultural Grants (Scotland) Scheme 1988((2)) which is hereafter referred to as “the principal Scheme”, shall be amended in accordance with the following provisions of this Scheme.

Amendment of paragraph 5 of the principal Scheme

3.—(1) For paragraph 5(1) of the principal Scheme (application for and conditions of grant) there shall be substituted the following paragraph:—

“5. —

(1) Any application by a crofter or eligible occupier for approval of the cost of any operation shall be made in such form and manner as the Secretary of State may from time to time require and shall be so made—

(1) 1993 c. 44.

(2) S.I.1988/559, amended by S.I. 1992/3291.

- (a) in the case of any operation specified in item 1, item 5, item 7 or item 8 of Column 1 of the Schedule to this Scheme, before the operation or any part of it is carried out;
- (b) in any other case, when the applicant makes a claim for grant under paragraph 6 of this Scheme or a request for payment of grant in instalments under paragraph 12A of this Scheme.”.

(2) In paragraph 5(2) of the principal Scheme the word “such” where it first occurs shall be omitted.

Amendment of paragraph 6 of the principal Scheme

4. In paragraph 6 of the principal Scheme (claims) the words from the beginning to “has been carried out,” shall be omitted.

Payment of grant in instalments and recovery of grant, etc

5. After paragraph 12 of the principal Scheme there shall be inserted the following paragraphs:–

“Payment of grant in instalments

12A. The Secretary of State may, at the request of the applicant, make payment of any grant under this Scheme in instalments, which instalments may be paid in such amounts, at such times, either during or after the carrying out of the relevant operation or work, and subject to such conditions as the Secretary of State may specify.

Recovery of grant, etc

12B. Where, after the date upon which any grant, or any instalment of grant, has been paid under this Scheme, the Secretary of State is satisfied that the applicant has not complied, or is not complying, with a condition imposed on him–

- (a) under paragraph 5(2) or (3) of, or paragraph 3 of the Schedule to, this Scheme in relation to the approval of the cost of an operation,
- (b) under paragraph 5(2) or paragraph 10(2) of, or paragraph 3 of the Schedule to, this Scheme in relation to grant, or
- (c) under paragraph 12A of this Scheme in relation to an instalment of grant,

he may recover from the applicant the amount of the grant or of the instalment of the grant, as the case may be, or such part thereof as he may in all the circumstances consider reasonable in like manner as if it were a debt due by the applicant to him.”.

Amendment of the Schedule to the principal Scheme

6. The Schedule to the principal Scheme (eligible operations and amounts of grant payable) shall be amended as follows:–

(a) In column 1 there shall be substituted–

(i) for item 1, the following item:–

“1. Erection or improvement of agricultural buildings.”;

(ii) for item 8, the following item:–

“8. Erection or improvement of shelters for the temporary housing and feeding of out-wintered livestock.”;

- (b) In column 1 there shall be inserted—
- (i) after item 1, the following item:—

“**1A.** Works associated with agricultural buildings, including yards, hardstandings, dungsteeds and slurry stores.”;
 - (ii) after item 8, the following item:—

“**8A.** Provision or improvement of facilities for the organised feeding of out-wintered livestock, including permanently fixed troughs and feed barriers and associated concrete base.”;
- (c) In Column 2 there shall be inserted—
- (i) opposite item 1A in Column 1, the figure “50%”;
 - (ii) opposite item 8A in Column 1, the figure “60%”.

Application

7. The amendments made by this Scheme shall not apply in relation to any grant, or the administration of any grant, paid following on any application made before 15th April 1994 under either paragraph 5(1) of the principal Scheme for approval of the cost of any operation or under paragraph 10(1) of the principal Scheme for a grant under Part III thereof.

St Andrew’s House,
Edinburgh
28th March 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

We approve,

29th March 1994

Andrew Mackay
Timothy Kirkhope
Two of the Lords Commissioners of Her
Majesty’s Treasury

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 Scheme)

The Crofting Counties Agricultural Grants (Scotland) Scheme 1988, as amended by the Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 1992, provides that the Secretary of State may make grants to crofters and certain other occupiers of land in the crofting counties for certain specified purposes.

This Scheme further amends the 1988 Scheme by—

- (a) distinguishing (paragraphs 3 and 6) the operations qualifying for grant under Part II into—
 - (i) those in respect of which the cost of the operation must be approved before work is started; and
 - (ii) those in respect of which the cost of the operation need only be approved when grant is claimed;
- (b) providing for payment of grant under Part II or Part III in instalments (paragraph 5);
- (c) providing for recovery of grant or instalments of grant where an applicant fails to comply with conditions attaching to approval of costs or to payment of grant or instalments of grant (paragraph 5).

Paragraph 7 provides that the amendments made by this Scheme shall not apply to any application made before 15th April 1994 under Part II for approval of costs, or under Part III for grant. Any such application shall proceed under the 1988 Scheme as it applied at the date of the application.