SCOTTISH STATUTORY INSTRUMENTS

2011 No. 72

CROFTERS, COTTARS AND SMALL LANDHOLDERS

The Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2011

Made - - - -	*10th February 2011*
Laid before the Scottish Parliament - - - -	*14th February 2011*
Coming into force - -	*1st April 2011*

The Scottish Ministers make the following Scheme in exercise of the powers conferred by sections 42(1), (1A), (2) and (3) and 46(4) of the Crofters (Scotland) Act 1993(**1**) and all other powers enabling them to do so.

In accordance with section 42(1) of that Act, they have consulted the Crofters Commission.

Citation, commencement and interpretation

1. This Scheme may be cited as the Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2011 and comes into force on 1st April 2011.

2. In this Scheme, "the principal Scheme" means the Crofting Counties Agricultural Grants (Scotland) Scheme 2006(**2**).

Amendment of the principal Scheme

3.—(1) The principal Scheme is amended in accordance with sub-paragraphs (2) to (9).

(2) In paragraph 2(1) (interpretation)—

(a) after the definition of "the Act of 1993", insert—

> ""application" means an application for grant under this Scheme and "applicant" is to be construed accordingly;";

(b) after the definition of "crofter", insert—

(1) 1993 c.44; section 42(1) was amended by the Crofting Reform etc. Act 2007 (asp 7) ("2007 Act"), schedule 1, paragraph 2(10)(a); section 42(1A) was inserted by the 2007 Act, schedule 1, paragraph 2(10)(b); section 46(4) was amended by the 2007 Act, schedule 1, paragraph 2(13)(d) and the Crofting Reform (Scotland) Act 2010 (asp 14), schedule 4, paragraph 3(27). The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2006/24 as amended by S.S.I. 2008/58.

""designated maps" means the four maps numbered 1 to 4, each such map being marked "Map of less-favoured farming areas in Scotland", dated 5th May 1991, signed by the Secretary of State for Scotland and deposited at the offices of the Scottish Government Rural Payments and Inspections Directorate, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD;"; and

(c) for the definition of "eligible occupier" substitute—

""eligible occupier" means—

(a) an owner-occupier crofter;

(b) the subtenant of a croft or part of a croft occupying under a sublease granted by a crofter with the written consent of the Crofters Commission under section 27(2) of the Act of 1993 and in accordance with any conditions imposed by them under section 27(5) of that Act; or

(c) the tenant under a short lease of an owner-occupied croft (or any part of it) granted by an owner-occupier crofter with the consent of the Crofters Commission under section 29A(1) of the Act of 1993(**3**) and in accordance with any conditions imposed by them under section 29A(4) of that Act;".

(3) In paragraph 3(1) (grants to be made)—

(a) for "project or part of a project" substitute "operation or part of an operation";

(b) for "purpose of a project" substitute "purpose of an operation"; and

(c) omit "or holding".

(4) In paragraph 6 (restrictions on payment of grant)—

(a) in sub-paragraph (1)(b), for "grazing committees" substitute "grazings committees"; and

(b) in sub-paragraph (3)—

(i) for "a project" substitute "an operation"; and

(ii) for "same project" substitute "same operation".

(5) In paragraph 7 (amount of grant)—

(a) in sub-paragraph (1)—

(i) after "50%" insert "or, where sub-paragraph (1A) applies, 60%";

(ii) after "40%" insert "or, where sub-paragraph (1A) applies, 50%"; and

(b) after sub-paragraph (1) insert—

"(1A) This sub-paragraph applies where the applicant crofter, eligible occupier or each member of the grazings committee or group referred to in paragraph 6(1)(b) is under 40 years of age at the time of making the application.".

(6) In paragraph 8 (grants to be made) omit "or holding".

(7) For paragraph 10 (amount of grant) substitute—

"**Amount of grant**

10.—(1) Where the croft or, as the case may be, part of the croft is in a Less Favoured Area, the amount of any grant payable under this Part of this Scheme shall not exceed a sum equal to 50% of the contribution or, where sub-paragraph (3) applies, 60% of the contribution, up to the total amount of grant specified in paragraph 6(1).

(3) Section 29A was inserted by section 39 of the Crofting Reform (Scotland) Act 2010 (asp 14).

(2) Where the croft or, as the case may be, part of the croft is in an area other than a Less Favoured Area, the amount of any grant payable under this Part of this Scheme shall not exceed a sum equal to 40% of the contribution or, where sub-paragraph (3) applies, 50% of the contribution, up to the total amount of grant specified in paragraph 6(1).

(3) This sub-paragraph applies where the applicant crofter, eligible occupier or each member of the grazings committee or group referred to in paragraph 6(1)(b) is under 40 years of age at the time of making the application.".

(8) Paragraph 11 (Crofters Commission to be agent) is revoked.

(9) In the Schedule (eligible operations)—

(a) in paragraph 2—

(i) for "operation" where it first appears substitute "work"; and

(ii) for "the provisions of this Schedule" substitute "paragraph 7(1) of this Scheme"; and

(b) paragraph 3 is revoked.

Saving provision

4. In respect of an application for grant made by an eligible occupier under the principal Scheme before 1st April 2011, the principal Scheme continues to have effect as if the amendment made by paragraph 3(2)(c) had not been made.

St Andrew's House,Edinburgh
10th February 2011

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Scheme)

The Crofting Counties Agricultural Grants (Scotland) Scheme 2006 (S.S.I. 2006/24) ("the 2006 Scheme") enables the Scottish Ministers to make grants to crofters and certain occupiers and tenants of land in the crofting counties—

(a) in respect of specified operations carried out by them for the purpose of aiding and developing agricultural production on crofts or holdings (Part 2 of, and the Schedule to, the 2006 Scheme); and

(b) in respect of contributions made by them under such agreements as are referred to in section 47 of the Roads (Scotland) Act 1984 towards the expenses of providing cattle grids (Part 3 of the 2006 Scheme).

This Scheme amends the 2006 Scheme by—

(a) inserting definitions of "application" (and "applicant") and "designated maps" (paragraph 3(2)(a) and (b));

(b) amending the definition of "eligible occupier" (paragraph 3(2)(c)) by:

(i) providing that an owner-occupier crofter may be eligible for a grant regardless of economic status;

(ii) removing the eligibility of certain occupiers of a holding other than a croft situated in the crofting counties; and

(iii) extending the eligibility to tenants under a short lease of an owner-occupied croft;

(c) increasing the amount of grant payable under Parts 2 and 3 of the 2006 Scheme to certain applicants who are under 40 years of age (paragraph 3(5) and (7));

(d) making some technical and consequential amendments (paragraph 3(3), (4) and (6));

(e) revoking paragraph 11 which appointed the Crofters Commission as the Scottish Ministers' agent for the purpose of the administration of the 2006 Scheme (paragraph 3(8)); and

(f) amending paragraph 2 of the Schedule and revoking paragraph 3 of Schedule (paragraph 3(9)).

Paragraph 4 makes a saving provision in respect of applications for grant by eligible occupiers under the 2006 Scheme made before 1st April 2011.