STATUTORY INSTRUMENTS

1984 No. 1313 (S. 115)

EUROPEAN COMMUNITIES

The Western Isles Integrated Development Programme (Payments to Outgoing Crofters) (Scotland) Regulations 1984

Made - - - -	11*th August* 1984
Laid before Parliament	28*th August* 1984
Coming into Operation	17*th September* 1984

In exercise of the powers conferred on me by section 2(2) of the European Communities Act 1972(a) as one of the Ministers designated (b) for the purposes of that section in relation to the common agricultural policy of the European Economic Community and of all other enabling powers, I hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Western Isles Integrated Development Programme (Payments to Outgoing Crofters) (Scotland) Regulations 1984, shall apply only to the Western Isles and shall come into operation on 17th September 1984.

Interpretation

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

"croft" and "crofter" have the meanings assigned to them by section 3 of the Crofters (Scotland) Act 1955(c)

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

"the Regulation of the Council" means Regulation (EEC) No. 1939/81 of the Council of the European Communities of 30th June 1981(d)

"the site of the dwelling-house" has the meaning assigned to it by section 1(4) of the Crofting Reform (Scotland) Act 1976(e)

"standard man day" means the average daily amount of work done by a full-time worker calculated solely by reference to cropping and stocking factors

(a) 1972 c.68.
(b) S.I. 1972/1811.
(c) 1955 c.21; section 3 was amended by the Crofters (Scotland) Act 1961 (c.58), Schedule I, Part II, paragraph 9.
(d) OJ No. L197, 20.7.81, p. 6.
(e) 1976 c.21.

which the Secretary of State may from time to time for this purpose determine

"Western Isles" means the islands comprised in the Western Isles Islands Area established by section 1(3) of the Local Government (Scotland) Act 1973(a)

"registered tenant of the croft" means the person who is shown in the Register of Crofts maintained by the Crofters Commission as the tenant of the croft.

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

Outgoers grant

3.— (1) Subject to the provisions of these regulations the Secretary of State may make an outgoers grant to a crofter who relinquishes the tenancy of his croft, in accordance with approved proposals, for the purpose of improving the structure of agricultural production in accordance with the Regulation of the Council.

(2) An application for grant shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information relating to the application as the Secretary of State may require.

(3) The Secretary of State may, as he thinks fit, approve an application and any such approval may be given subject to such conditions as the Secretary of State may impose.

(4) Subject to the provisions of these regulations the amount of grant shall be the sum of—

(a) £25 multiplied by the number of standard man days which, in the opinion of the Secretary of State, are capable of being worked in a year on the croft in respect of which application is made up to a maximum of £2,000:

Provided that if the amount so calculated is less than £500 in a case where the applicant has not been previously paid an outgoers grant, £500 shall be payable; and

(b) 85 per cent, up to a maximum of £300, of the approved legal costs of the conveyance, including the cost of a plan, where an applicant obtains a conveyance of the site of the dwelling-house on or pertaining to the croft in respect of which application is made.

(5) Where an application is made in respect of more than one croft grant will be calculated by reference to the aggregate number of standard man days which, in the opinion of the Secretary of State, are capable of being worked in a year on the crofts forming the subject of the application.

(6) Where an applicant has been paid an outgoers grant comprising or including the minimum amount of £500—

(a) 1973 c.65.

(a) No further amount of grant calculated by reference to standard man days shall be paid to that person in respect of a subsequent application unless, in the opinion of the Secretary of State, more than 20 standard man days are capable of being worked in a year on the croft or crofts forming the subject of that subsequent application together with the croft or crofts forming the subject of all previous applications from that person in respect of which outgoers grant has been paid; and

(b) The difference between the minimum amount of £500 and the amount which would have been paid in respect of the amount of grant calculated by reference to standard man days if the proviso to paragraph 4*(a)* of this regulation had not applied shall be deducted from the amount of grant calculated by reference to standard man days payable in respect of any further application from that person.

(7) No person may be paid grant in respect of the cost of obtaining the conveyance of the site of the dwelling-house of more than one croft.

(8) The total amount of grant calculated by reference to standard man days paid to any person shall not exceed £2,000.

(9) An outgoers grant shall not be paid more than once in respect of the same land.

Eligible applicants

4. An applicant shall not be eligible for an outgoers grant unless on the date of submitting his application—

(a) he is, or in the case of a family assignation he was within 2 months prior to the application, the registered tenant of the croft in respect of which application is made; provided that he did not seek the consent of his landlord or the Crofters Commission to assign his croft before the coming into operation of these regulations;

(b) he is ordinarily resident on or within 16 kilometres of the croft in respect of which application is made;

(c) he is aged 65 years or over, or, in the case of a woman, 60 years or over, or, in the opinion of the Secretary of State, is unable to work the croft adequately because of infirmity or other reason;

(d) he is prepared to assign to a person, other than a spouse, who fulfils the relevant requirements, the whole of the croft in respect of which application is made together with any grazings share effeiring thereto but excluding, if he so desires, the site of the dwelling-house on or pertaining to the croft, provided that in such a case he obtains a conveyance of said site before he assigns the croft;

(e) he is ineligible for grant under the Farm Structure (Payments to Outgoers) Scheme 1976(a).

(a) S.I. 1976/2126, amended by S.I. 1981/1709.

Assignees

5. The assignee of a croft in respect of which application is made shall fulfil the relevant requirements if—

(a) in the opinion of the Secretary of State he has the means and adequate training or experience in agriculture, crofting or otherwise, to enable him to work the croft satisfactorily;

(b) he furnishes the Secretary of State with proposals which, in the opinion of the Secretary of State, provide for the satisfactory stocking and working of the croft, the said proposals normally to include participation in one or more of the Livestock Development or Land Development schemes under the Western Isles Integrated Development Programme;

(c) where the croft that is assigned to him includes a grazing share he gives an undertaking to the Secretary of State to observe any common grazings regulations; and

(d) he undertakes to pay to the Secretary of State, if required by notice in writing to do so, a sum not exceeding the amount of outgoers grant paid in respect of the croft assigned to him if, without the consent of the Secretary of State, he renounces the tenancy of, assigns or sublets the croft within 5 years of the date on which it was assigned to him or if he fails unreasonably to give effect to his proposals for stocking and working the croft.

Powers of inspection

6.— (1) For the purposes of this scheme any person duly authorised in that behalf by the Secretary of State may, upon production if so required of his appointment or authority, at all reasonable times enter upon and inspect any land, and may—

(a) inspect any premises, plant, equipment or livestock on a croft in respect of which grant under this scheme has been made or claimed;

(b) require the occupier to furnish for inspection any book, account or other record in his possession or under his control which the authorised person considers necessary to substantiate eligibility for grant under this scheme.

(2) In exercising the power conferred on him by this scheme an authorised person may be accompanied by such persons acting under his instructions as appear to him to be necessary and in relation to the inspection of documents he shall be entitled to take such copies or extracts therefrom as he may consider necessary.

Recovery of grant and payments by assignees

7.— (1) If at any time after an outgoers grant has been paid it appears to the Secretary of State that the person by whom the application for that grant was made gave information on any matter relevant to the application which was false or misleading in a material respect the Secretary of State may on demand recover an amount equal to the amount of grant or such part thereof as he may specify.

(2) Before making any demand for a repayment of grant by any person under this regulation or for a payment by an assignee in pursuance of an undertaking given under regulation 5*(d)* the Secretary of State—

(a) shall give to that person or assignee an opportunity of making representations in writing to the Secretary of State giving reasons why grant should not be recovered or payment should not be made, and

(b) may accord to such person or assignee an opportunity of appearing before and being heard by a person appointed for the purpose by the Secretary of State, and

(c) shall consider the report of any such hearing and supply a copy of the report to the person or assignee.

False statements

8. Any person who, for the purposes of obtaining for himself or any other person any payment under these regulations, wilfully makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

Duration of regulations

9. These regulations shall cease to have effect on 13th May 1987.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
11th August 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, made in accordance with Regulation (EEC) No 1939/81 provide that the Secretary of State may make payments to crofters in the Western Isles, as comprised in the Western Isles Islands Area established by section 1(3) of the Local Government (Scotland) Act 1973. They provide for outgoers grants to crofters (article 3) who because of age, infirmity or other reason are unable satisfactorily to work their crofts and who assign their crofts to other approved tenants (article 4). The payments form part of the Western Isles Integrated Development Programme.

The regulations specify the requirements which the assignee of a croft, in respect of which application for grant is made, should fulfil (article 5) and they provide for recovery of grant and payments by assignees (article 7) if information on any matter relevant to the application was false or misleading. The regulations also provide for powers of entry (article 6) by any person authorised in that behalf by the Secretary of State.

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