SCOTTISH STATUTORY INSTRUMENTS

2002 No. 43

AGRICULTURE

The Pig Industry Restructuring (Capital Grant) (Scotland) Scheme 2002

Approved by the Scottish Parliament

Made - - - -	*6th February 2002*
Laid before the Scottish Parliament - - - -	*7th February 2002*
Coming into force - -	*29th March 2002*

The Scottish Ministers, in exercise of the powers conferred by section 29 of the Agriculture Act 1970(**1**) and of all other powers enabling them in that behalf, hereby make the following Scheme:

Citation, commencement and extent

1.—(1) This Scheme may be cited as the Pig Industry Restructuring (Capital Grant) (Scotland) Scheme 2002 and shall come into force on 29th March 2002.

(2) This Scheme shall extend to Scotland only.

Interpretation

2. In this Scheme–

"bank" means–

(a) any institution authorised under a provision of the Banking Act 1987(**2**);

(b) any person specified in any of paragraphs 2 to 10 of Schedule 2 to that Act (exempted persons); or

(c) any person entitled by virtue of the Banking Co ordination (Second Council Directive) Regulations 1992(**3**) to accept deposits (within the meaning of that Act) in the United Kingdom;

"business plan" means a detailed plan setting out the objectives of the business, the strategy and tactics to achieve those objectives, estimates as to the financial and other circumstances

(**1**) 1970 c. 40; section 28(1) defines "the appropriate authority". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement for the approval of the Treasury was removed by section 55 of that Act.
(**2**) 1987 c. 22.
(**3**) S.I.1992/3218.

of the business in the event the objectives are achieved and the investment required to achieve those objectives;

"Non-Capital Grant Scheme" means the Pig Industry Restructuring (Non-Capital Grant) (Scotland) Scheme 2002(**4**);

"pig production" means any form of pig production, including breeding, rearing and finishing.

Payment and amounts of grants

3.—(1) For the purposes of this Scheme–

(a) a qualifying loan is a loan which has been, or is to be, obtained from a bank for the purpose of implementing a business plan for the restructuring of a pig production business; and

(b) the relevant part of a qualifying loan is that part of the loan which–

(i) has been or is to be obtained for the purposes of, or in connection with, the carrying on of a pig production business; and

(ii) appears to the Scottish Ministers to be of a capital nature or incurred in connection with expenditure of a capital nature.

(2) Subject to the provisions of this Scheme and to section 29 of the Agriculture Act 1970, the Scottish Ministers may approve the payment to any eligible person of a grant towards expenditure incurred in servicing the relevant part of a qualifying loan, and may make such payment.

(3) Where a loan has been obtained partly for the purposes of or in connection with the restructuring of a pig production business and partly for other purposes, the Scottish Ministers may for the purposes of a grant under this paragraph treat as a qualifying loan so much of that loan as appears to them to be referable to that restructuring.

(4) No grant under this Scheme when taken with any payment made under the Non Capital Grant Scheme shall exceed 5% of the qualifying loan (excluding any accrued interest thereon).

(5) The Scottish Ministers shall not approve any payment of grant after 29th March 2005.

(6) Where an eligible person is aggrieved by a decision of the Scottish Ministers as to(

(a) the part of a loan which is of a capital nature or incurred in connection with expenditure of a capital nature under sub-paragraph (1)(b)(ii) above; or

(b) the amount of a loan which is referable to restructuring under sub-paragraph (3) above,

that person may, within the period of 21 days of the date when that person is notified of the outcome of that decision, request that the decision be reviewed by the Scottish Ministers in accordance with sub-paragraph (7) below.

(7) In carrying out the review of the decision as required by sub-paragraph (6) above, the Scottish Ministers shall–

(a) afford the aggrieved person an opportunity of making representations for consideration by an officer of the Scottish Ministers who has not been involved in the initial decision who will prepare a report following consideration of those representations;

(b) supply a copy of the report by that officer to the aggrieved person;

(c) consider the report by that officer before making a decision on the review; and

(d) give to the aggrieved person notification of the decision on the review and the reasons for that decision.

(**4**) S.S.I. 2002/44.