SCOTTISH STATUTORY INSTRUMENTS

2001 No. 226

AGRICULTURE

The Agricultural Subsidies (Appeals) (Scotland) Amendment Regulations 2001

Made - - - -	*8th June 2001*
Laid before the Scottish Parliament - - - -	*8th June 2001*

Coming into force in accordance with regulation 1(2)

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), **Schedule 8**, paragraph 15(3). The functions conferred on a Minister of the Crown by section 2(2) were transferred, so far as within devolved competence, to the Scottish Ministers by section 53 of the Scotland Act 1998.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Agricultural Subsidies (Appeals) (Scotland) Amendment Regulations 2001.

(2) For the purposes of regulation 5(4), these Regulations shall come into force on 9th June 2001 and, for all other purposes, shall come into force on 29th June 2001.

[F2](3) . . . . . .

F2 Reg. 1(3) revoked (1.10.2004) by The Agricultural Subsidies (Appeals) (Scotland) Regulations 2004 (S.S.I. 2004/381), regs. 1, 14(2), **sch.**

Amendment of the principal Regulations

[F3]**2.** . . . . . .

F3 Reg. 2 revoked (1.10.2004) by The Agricultural Subsidies (Appeals) (Scotland) Regulations 2004 (S.S.I. 2004/381), regs. 1, 14(2), **sch.**

Application of additional appeal rights

[F4]**3.** . . . . . .

F4 Reg. 3 revoked (1.10.2004) by The Agricultural Subsidies (Appeals) (Scotland) Regulations 2004 (S.S.I. 2004/381), regs. 1, 14(2), **sch.**

Amendment of the ESA Orders

4.—(1) Each of the ESA Orders shall be amended as follows.

(2) Article 5(b) shall be omitted.

(3) There shall be inserted after article 5C–

"**5D.**—(1) Where the Scottish Ministers consider that there has been a breach of any of the requirements referred to in articles 4 or 4A, they may make a decision to that effect.

(2) Before making a decision under paragraph (1) above, the Scottish Ministers shall–

(a) give the crofter, farmer or common grazing committee (as the case may be) a written explanation of the reasons for considering that there has been a breach of any of the requirements referred to in articles 4 or 4A;

(b) afford that person an opportunity of making representations in that regard within such time and in such form as they think fit; and

(c) consider any such representations.".

Transitional provisions in relation to the ESA Orders

[F5]**5.** . . . . . .

F5 Reg. 5 revoked (1.10.2004) by The Agricultural Subsidies (Appeals) (Scotland) Regulations 2004 (S.S.I. 2004/381), regs. 1, 14(2), **sch.**

ROSS FINNIE
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