

## The terms:

- i) The Sum is a loan and will attract interest at the rate of 3.24%. Repayment of the Sum is due on the earlier of (a) the seventh day following the date you are notified that your final CAP Basic Payment and Greening 2016 payment has been made or, as the case may be, you are notified that no CAP Basic Payment and Greening 2016 payment is due; or (b) 15 October 2017. This interest will be borne by the Scottish Ministers (hereafter the “Scottish Government”) on your behalf and constitutes a state aid as described in paragraph (vii) below.
- ii) Interest on the Sum under paragraph (i) will be paid on your behalf by the Scottish Government if repayment is made in full on or before the due date set out above. If you retain the Sum, or any part of it, otherwise than in accordance with these terms you will be liable to pay the interest on the Sum in full.
- iii) In the event that the Sum, or any part of it, is not repaid on the due date mentioned above you will also be liable to pay interest on the Sum or any balance outstanding at the rate of 4.24% per annum until repayment is actually made.
- iv) We may at any time, and without further notice to you, set off any liability that you have to repay the Sum (together with any interest that may be due) against any liability that we may have to make any other payment to you however arising. Any exercise by us of the right under this clause shall be without prejudice to any other rights or remedies that we may have against you whether under this agreement or otherwise. For the avoidance of doubt, this right of set off may also be exercised by us against any liability that we may have to make a CAP payment to you.
- v) In the event that the full amount of the Sum is set off against a CAP payment due in relation to your current application no interest will be charged. If part of the Sum only is set off, interest on any outstanding balance will be due to be paid by you from the repayment date at the interest rate stated above.
- vi) No waiver by us of any of the terms set out in this letter or any of our rights or remedies will be effective unless given in writing and signed by us or on our behalf. No failure, forbearance or delay by us in enforcing any right that we may have against you will constitute a waiver of that or any other right or remedy nor will it preclude or restrict the further exercise of that right by us. No single or partial exercise of any right or remedy under this agreement or otherwise arising shall prevent any further exercise of the same right or remedy or of any other right or remedy however arising.
- vii) Interest paid on your behalf by the Scottish Government represents state aid to your farm business (under Regulation ‘EU’ 1408/2013). For every 12 months you hold on to the funds it will accrue £32.40 of state aid benefit for every £1000 of NBPSS16 payment. It is your responsibility to keep a record of all aid to your farm business under all schemes and to make sure that the combined total aid is less than the de minimis level of €15,000 (euros) in any fiscal year and the previous two fiscal years combined. In accepting the Sum you are declaring this limit will not be breached.
- viii) Your obligation to repay any monies due under this letter and its terms rank equally with or senior to all other debts or liabilities you may have.

ix) The Scottish Government will be entitled to require immediate repayment of any monies due under this letter and its terms if you have provided false or inaccurate information in relation to your CAP Basic Payment and Greening 2016 application or the NBPSS2016.

x) The Scottish Government will be entitled to require immediate repayment of any monies due under this letter and its terms if you or your agricultural business becomes insolvent, or otherwise unable to pay its debts, is made bankrupt or otherwise dissolved.

xi) The Scottish Government will be entitled to require immediate repayment of the Sum if it considers it is required to recover such sum in order to ensure compliance with its obligations under EU law, together with interest at such rate and on such basis as may be determined from time to time by the European Commission.

De minimis payment schemes include:

- Crofting Cattle Improvement Scheme (Bull Hire Scheme)
- Sea Eagle Scheme
- Rural Priorities Outcome Plan
- AECS Farm Environmental Assessment Payment
- New Entrants and Others 2013
- Weather Aid Scheme 2013
- BVD Check Payments
- Fallen Stock Fund
- Fox Control Scheme
- Biofuels Programme
- Resource Efficient Scotland
- Clyde and Avon Valley Tree Planting Scheme
- Dairy Farmer Island Concession Scheme
- Weather Impact Support Scheme for Westray Farmers
- Cash Flow Loan Scheme
- 2015 National LFASS Scheme
- 2015 National BPS Scheme

**Please complete all fields below, detach and return using the pre-paid envelope to:**  
Agricultural Development, RPID, P1 Spur, Saughton House,  
Broomhouse Drive, Edinburgh EH11 3XD by **Wednesday 14 December**

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## 2016 National Basic Payment Support Scheme opt-in form

By completing and signing this form I accept the terms of the 2016 National Basic Payment Scheme and declare I have not exceeded the de minimis state aid limit.

Business Name: «**Business\_Name**»

Business Reference Number: «**BRN**»

Main Location Code: «**MLC**»

Print name \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_