



Scottish Rural Development Programme

Variations Guidance

Changes can be made to Rural Priorities proposals by the applicant from the time of submission to the time of proposal committal. The vast majority of changes are expected at this stage as result of the dialogue between the case officer and the applicant.

Other changes may occur:

- Between RPAC approval and contract signing.
- Post contract sign and return.

In these cases applicants must request the change in writing or by email.

Any changes that occur from this point onwards must adhere to the principle that any change must not affect the delivery of the regional priority, or take an application score below the approved threshold.

A description of each stage and any rules that apply to that stage is shown below

Between RPAC approval and contract signing

(Pre-contract amendments) only if the contract has not been signed.

It should be noted that only in exceptional circumstances such as an increase in the achievement of national targets will an increase in value of the contract be permissible. This increase may be to a maximum value of 1% of the contract or £1000 whichever is the lesser.

At this stage only the following relatively minor changes are allowable:

- Correcting typographic or arithmetic errors
- transposition errors e.g. mixing 3's for 8's or 5's.
- minor omissions e.g. use of acres instead of hectares
- proposal details affected by IT shortcomings
- proposal details affected by delays in contract issue e.g. field sown in a crop not eligible under RP option, in order to meet SAF/IACS deadline.
- proposal details affected by changes to scheme guidance since the proposal was committed.

Case Officers must record the reason for the amendment on the variation screen notepad. This is a mandatory field.

Post contract sign and return (Contract variation)

These are permitted in exceptional or unforeseeable circumstances only.

Value limit for considering variations

Case Officers cannot approve variations more than $\pm 1\%$ of the value of the contract or £1000 whichever is the lesser. Variations that exceed this value limit must be referred to the RPAC Chair. The RPAC chair may choose to refer the proposed variation to the full RPAC.

Types of acceptable variation

Variation requests can only be accepted in writing (via the claim form, letter or e-mail). The amended contract/Sol must enable the applicant to deliver the selected Regional Priority as set out in the outcome plan.

Remember that even a relatively small change to the contract might mean that the Regional Priority can no longer be achieved as set out in the Outcome plan.

It is expected that only the following types of variation will be considered:

- Change to timing of events/claims due to weather conditions, or other circumstances outwith the control of the applicant.
- Variations to take account of technical reasons not foreseen at the time of contract return e.g. change of build/design specification but NOT to take account of planning or consent feedback..
- Force majeure (as defined by Article 47 of EC [Regulation 1974/2006](#) and as set out in the “Important Information Annex” to the Rural Development Contract undertakings
- Changes required as a result of cross check failure or field register validation (FRV)
- Changes required after inspection of the work following receipt of a grant claim
- Claims (but not part claims) for less than the amount approved in the contract (e.g. fencing or other standard capital items not required)
- Changes of ownership or successions (subject to very specific pre-conditions).

When variations to the contract will not be allowed

Variations to contracts will not be allowed if these reduce the ability to deliver the selected Regional Priorities e.g.

- Requests to remove options entered into in order to secure ranking points
- Requests to correct an over commitment to secure funding
- Requests to swap the value of unused items for others that were not initially applied for (e.g. fence gate for stile)
- All new options or priorities shall be included in a separate application.
- Requests to remove breaches found at inspections
- Requests to add items that have been omitted from an application

Processing variations

There are three decisions (or approval types) that can be made about a variation:
Applications for variation can be:

- Approved in full
- rejected
- Approved in part

Applicant's options

If the applicant accepts the approved variation an amended Schedule of Works will be issued. If the applicant rejects the approved variation then the originally approved contract still stands. If the applicant does not comply with the original or amended contract they risk contract breach with subsequent recovery and penalties.

DECISION FLOW CHART FOR CONSIDERING REQUESTS TO VARY CONTRACTS

