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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 260**

**The Rural Development Support Measures (Control Procedures and Miscellaneous Amendments) (Scotland) Regulations 2011**

**Amendment of the Leader Grants (Scotland) Regulations 2008**

**3.—**(1) The Leader Grants (Scotland) Regulations 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), for the definition of “the Control Regulation”, substitute—

““the Control Regulation” means Commission Regulation (EU) No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures, as amended from time to time;”;

(b) in paragraph (4), for “the Electronic Communications Act 2000” substitute “section 15 of the Electronic Communications Act 2000”.

(3) In regulation 15 (powers of authorised persons)—

(a) in paragraph (1)(c), for “Article 13 or 19(2)” substitute “Article 13, 19(2) or 27” ; and

(b) in paragraph (2)(b), for “and” substitute “or”.

(4) In regulation 18(1) (breaches of obligations, etc.)—

(a) in sub-paragraph (h)(i), for “regulation 16” substitute “regulation 15”; and

(b) in sub-paragraph (h)(ii), for “regulation 14(3) (b), (d) or (g)(ii)” substitute “regulation 15(4) (b), (c)(ii), (d) or (g)(ii)”.

(5) For regulation 24 (offences by bodies corporate), substitute—

**“Offences by bodies corporate**

**24.—**(1) Where—

(a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association, is guilty of an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

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<sup>(1)</sup> S.S.I. 2008/66 as amended by S.I. 2011/1043.

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body; or
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.”.