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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 325**

**The Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014**

**Powers of authorised persons**

5.—(1) An authorised person may exercise any of the powers specified in this regulation for the purpose of—

- (a) providing a control report or a provisional control report;
- (b) establishing whether there has been a non-compliance; or
- (c) enforcing these Regulations, the Horizontal Regulation, the Horizontal Delegated Regulation or the Horizontal Implementing Regulation.

(2) An authorised person may, on producing if so required a duly authenticated document showing that person's authority, at all reasonable hours enter any land (excluding any premises used wholly or mainly as a private dwelling).

(3) If a sheriff, stipendiary magistrate or justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises by an authorised person under this regulation and either that—

- (a) entry has been refused or a refusal is reasonably expected, and that person has given notice to the occupier of his or her intention to apply for an entry warrant; or
- (b) a request for entry, or the giving of such a notice, would defeat the object of entry, or entry is urgently required, or the premises are unoccupied, or the occupier is temporarily absent and it would defeat the object of entry to await the occupier's return,

the sheriff, stipendiary magistrate or justice may, by signed warrant, valid for a period of no more than one month, authorise that person, together with any person who may accompany an authorised person by virtue of paragraph (5), to enter the premises, if need be by reasonable force.

(4) An authorised person, may—

- (a) carry out any inquiries, checks, examinations, measurements and tests;
- (b) take samples;
- (c) inspect all or any part of the land farmed, laid fallow or withdrawn from agricultural production by a beneficiary;
- (d) inspect any crops, livestock, machinery or equipment or any other thing;
- (e) mark any animal or other thing for identification purposes;
- (f) have access to, inspect and copy any document or record (in whatever form it is held) or remove such a record or document to enable it to be copied or retained as evidence;
- (g) have access to, inspect and check the operation of any computer and any associated apparatus, or material which is or has been in use in connection with a document or record; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the authorised person such assistance as may reasonably be required and, where a document or record is kept by

means of a computer, require the document or record to be produced in a form in which it can be taken away;

- (h) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;
- (i) take a photograph or any other digital record of anything on the land; or
- (j) remove anything reasonably believed to be evidence of any non-compliance.

(5) An authorised person entering any premises by virtue of this regulation may be accompanied by—

- (a) such other person as the authorised person considers necessary; and
- (b) any representative of the European Commission.

(6) A person accompanying an authorised person may also exercise any of the powers conferred on an authorised person by virtue of paragraph (4).

(7) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before those premises were entered.

(8) An authorised person who enters any land or premises under a power under other legislation may exercise any of the powers specified in this regulation for the purpose of enforcing these Regulations.