
WELSH STATUTORY INSTRUMENTS

2001 No. 496

The Tir Mynydd (Wales) Regulations 2001

**PART IV—
ENFORCEMENT**

Powers of authorised persons

16.—(1) An authorised person may at all reasonable hours, and on producing, if so required, some duly authenticated document showing his or her authority, exercise the powers specified in this regulation for the purposes of—

- (a) carrying out any specified control measures;
- (b) ascertain whether an offence under regulation 18 has been or is being committed; or
- (c) ensuring that Tir Mynydd payments are paid in proper cases only.

(2) An authorised person may enter any land, other than land used only as a dwelling, which is, or which such person reasonably believes to be, occupied by a claimant or used by the claimant for grazing suckler cows or ewes for which a claim for Tir Mynydd payment has been made.

(3) An authorised person who has entered any land by virtue of this regulation may:—

- (a) inspect and verify the total area of that land, or any part of it;
- (b) inspect and count any animals on that land and read their ear tags or other identification marks;
- (c) carry out any other activity which is a specified control measure; and
- (d) inspect that land for the purposes of determining whether it has been over-grazed.

(4) An authorised person entering any land by virtue of this regulation may take with him or her such persons acting under the authorised person's instructions as are considered necessary.

(5) An authorised person may:—

- (a) require a claimant or any employee, servant or agent of a claimant to produce any document or other record in his or her possession or control and supply such additional information in that person's possession or control relating to a claim for a Tir Mynydd payment as the authorised person may reasonably request;
- (b) inspect any document or other record referred to in sub paragraph (a) and, where any such record is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with that record;
- (c) make such copies of any document or other record referred to in sub-paragraph (a) as the authorised person thinks fit; and
- (d) seize and retain any document or other record referred to in sub-paragraph (a) which the authorised person has reason to believe may be required as evidence in proceedings under these regulations or in proceedings for the recovery of any payment made and, where any

such record is kept by means of a computer, require it to be produced in a form that makes it possible for it to be taken away.

Assistance to authorised persons

17. The claimant, any employee, servant or agent of a claimant, or any person in charge of animals on the land, shall give to an authorised person such assistance as the authorised person may reasonably request so as to enable the authorised person to exercise any power conferred by regulation 16 and in particular in relation to any animal shall arrange for the collection, penning and securing of such animal, if so requested.

Offences

18. It shall be an offence for a person:—

- (a) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 16;
- (b) without reasonable excuse to fail to comply with the requirements made under regulation 16 or a request made under that regulation; or
- (c) knowingly or recklessly to make a statement or furnish any information which is false or misleading in a material particular where the statement is made or the information is furnished for the purposes of obtaining for himself or herself or any other person the whole or any part of any Tir Mynydd payment.

Penalties

19.—(1) A person guilty of an offence under regulation 18(a) or 18(b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person guilty of an offence under regulation 18(c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time Limit for prosecutions

20.—(1) Proceedings for an offence under regulation 18 above may, subject to paragraph (2) below, be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to the prosecutor's knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than twelve months after the commission of the offence.

(3) For the purpose of this regulation a certificate signed by or on behalf of the prosecutor stating the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the knowledge of the prosecutor shall be conclusive evidence of that fact.

(4) A certificate stating that fact and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

21.—(1) Where a body corporate is guilty of an offence under regulation 18, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), "director", in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate.