
WELSH STATUTORY INSTRUMENTS

2004 No. 3280

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004

Powers of authorised persons

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

- (a) providing a control report pursuant to Article 48 of the Commission Regulation; or
- (b) establishing whether there has been any non compliance; or
- (c) ascertaining whether an offence under these Regulations has been or is being committed.

(2) An authorised person—

- (a) on producing, if so required, some duly authenticated document showing his or her authority, has a right at all reasonable hours to enter any land, other than a building used only as a dwelling, for the purposes of administering these Regulations, the Council Regulation and the Commission Regulation, but
- (b) may only do so if the land is a holding occupied by, or in the possession of a farmer or employee, agent, contractor or tenant of a farmer, or if he or she has reasonable cause to believe so.

(3) An authorised person may—

- (a) carry out any inquiry, check, examination and test;
- (b) take any sample;
- (c) inspect all or any part of the land whether it is farmed or is withdrawn from agricultural production including land set aside pursuant to Articles 54 and 55(b) of the Council Regulation;
- (d) inspect any crops growing on that land or kept on it;
- (e) mark any animal or other thing for identification purposes;
- (f) have access to, inspect and copy any records (in whatever form they are held) kept for purposes connected with any duties or obligations arising under these Regulations or remove such records to enable them to be copied;
- (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 any records referred to in paragraph (f), and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him or her such assistance as he or she may reasonably require and, where a record is kept by means of a computer, require the records to be produced in a form in which they can be taken away.

(4) An authorised person entering any land or premises by virtue of this Regulation may take with him or her such other persons as the authorised person considers necessary which may include any representative of the European Commission acting for the purposes of the Council Regulation or the Commission Regulation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) If an authorised person enters any unoccupied land or premises, he or she must leave them as effectively secured against unauthorised entry as he or she found them.

(6) Where an authorised person has entered any land, other than a building used only as a dwelling, under a power bestowed on him or her by any enactment, he may exercise any of the powers specified in paragraphs (3) and (4) for the purposes of paragraph (1).