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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 582**

**The Environmental Impact Assessment  
(Agriculture) (Scotland) Regulations 2006**

**Powers of entry and default powers**

**28.**—(1) Any person duly authorised in writing by the Scottish Ministers may, at a reasonable time, enter and inspect any land for the purpose of—

- (a) ascertaining whether an offence under regulations 22, 23, 24, 26, or 27 has been committed on or in connection with that land;
- (b) serving a reinstatement notice under regulation 27 in respect of that land; or
- (c) exercising any functions under Schedule 4,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Scottish Ministers who has reasonable grounds for suspecting that a person has committed an offence under regulation 24, may enter any premises, other than premises used only as a dwelling, which are, or which such person has reasonable cause to believe to be, occupied by, or in the possession of, the person believed to be responsible for committing the offence, and may inspect and take copies of any records which that authorised person has reasonable cause to believe are relevant to the suspected offence.

(3) If any measures required by a reinstatement notice or by notice served in accordance with paragraph 5 of Schedule 4 have not been taken within the period specified in the notice—

- (a) any person duly authorised in writing by the Scottish Ministers may, at a reasonable time, enter the land to which the notice relates; and
- (b) may recover from the person in default as a debt the expenses reasonably incurred in doing so.

(4) A person authorised under paragraph (1), (2) or (3) to enter any land or premises shall, if so requested, produce evidence of the authority of that person before so entering.

(5) A person authorised under paragraph (1), (2) or (3) to enter any land or premises may be accompanied by such other person as is considered necessary.

(6) Any person in occupation or possession of land or premises entered by a person authorised under paragraph (1), (2) or (3) shall give to that person such assistance as the authorised person may reasonably request so as to enable the exercise of any power conferred upon such authorised person by this regulation.

(7) A person who intentionally obstructs or impedes any person acting in the exercise of the powers conferred by this regulation or who fails without reasonable excuse to comply with a request made under paragraph (6) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 5 on the standard scale.