
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 100

**The Rural Development Contracts (Rural
Priorities) (Scotland) Regulations 2008**

Powers of authorised persons

14.—(1) The Scottish Ministers may authorise a person, either generally or specifically, to act in relation to matters arising under these Regulations, and an authorised person may at all reasonable hours, on producing, if so required, some duly authenticated document showing the authorised person's authority, enter on any land or premises—

- (a) to which an application for aid or undertaking relates; or
 - (b) on which the authorised person has reasonable grounds to believe that documents relating to an application for aid or undertaking are being kept, for any of the purposes mentioned in paragraph (2).
- (2) The purposes referred to in paragraph (1) are—
- (a) inspecting the land to which the application or undertaking relates;
 - (b) verifying the accuracy of any information provided by an applicant or a beneficiary or on the applicant's or the beneficiary's behalf, relating to an application, a claim for aid or an undertaking;
 - (c) determining whether or not a beneficiary has complied with an undertaking; or
 - (d) providing a control report in accordance with Article 13 or 19(2) of Commission Regulation 1975/2996.
- (3) An authorised person who has entered any land or premises under paragraph (1) may—
- (a) inspect the land and any premises, plant, machinery, equipment, document or record on it which that person reasonably believes relates to an application, a claim for payment of aid or an undertaking;
 - (b) require the applicant or the beneficiary, or any employee or agent of such applicant or beneficiary, to produce, or secure the production of, any document or supply any additional information in the applicant's or beneficiary's possession or under the applicant's or the beneficiary's control relating to an application, a claim for payment of aid or an undertaking, as the case may be;
 - (c) where any information referred to in sub paragraph (b) is kept by means of a computer, have access to any computer and any associated apparatus or material which is or has been used for storing that information and require that information to be reproduced in a form in which it may be easily read and can be taken away;
 - (d) require copies of or extracts from any such document or other record referred to in sub paragraphs (a) or (b) to be produced;
 - (e) retain a copy of any document produced to the authorised person;
 - (f) seize and retain any document or other record which that person reasonably believes may be required as evidence in proceedings under these Regulations; and

(g) in so far as may be necessary for the purposes of paragraph (2)(b) or (c), inspect and count livestock on the land or premises and may, for this purpose, require the applicant or the beneficiary, or any employee or agent of such applicant or beneficiary, to arrange for the collection, penning and securing of such livestock.

(4) An authorised person who enters any land or premises under paragraph (1) for the purposes referred to in paragraph (2)(c) or (d) may exercise, in addition to the powers specified in paragraph (3), any of the powers specified in Regulation 6(3) of the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004⁽¹⁾.

(5) An applicant or beneficiary or any employee or agent of such applicant or beneficiary must give an authorised person all reasonable assistance in relation to the matters mentioned in paragraphs (1) and (3) above.

(6) An authorised person entering any land under paragraph (1) may be accompanied by–

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

and paragraphs (3) and (4) shall apply to that person when acting under the instructions of an authorised person as they apply to an authorised person.

(7) An authorised person will not be liable in any proceedings for anything done in exercise of the powers conferred on an authorised person by these Regulations if a court, hearing such proceedings, is satisfied that–

- (a) the act was done in good faith;
- (b) there were reasonable grounds for doing it; and
- (c) it was done with reasonable skill and care.

(8) Paragraph (1) above applies to any land used for the purposes of a dwellinghouse only where reasonable notice of its intended exercise has been given to all residents of that dwellinghouse.

(1) S.S.I. 2004/518 as amended by S.S.I. 2005/143 and 2007/99.