SCOTTISH STATUTORY INSTRUMENTS

2008 No. 66

The Leader Grants (Scotland) Regulations 2008

Powers of authorised persons

15.—(1) An authorised person may, at any reasonable time, enter any land or premises to–

(a) verify the accuracy of any information provided by an applicant or beneficiary relating to an application or claim for payment under these Regulations;

(b) determine whether or not an applicant or beneficiary has complied with the provisions of these Regulations;

(c) provide a control report in accordance with Article 13 or 19(2) of the Control Regulation.

(2) Paragraph (1) applies to land or premises–

(a) which is the subject of an application or claim for payment under these Regulations;

(b) connected with the carrying out of a project paid for (in full or in part) under these Regulations; and

(c) which an authorised person has reasonable grounds to believe may be a place in which documents or other information are being kept which may require to be produced under these Regulations.

(3) Where land or premises is used for the purposes of a dwelling house, an authorised person may only enter it under paragraph (1) where reasonable notice of the intention to exercise this right has been given to all residents of that dwelling house.

(4) An authorised person who has entered any land or premises under paragraph (1) may–

(a) inspect it and any document, plant, machinery, or equipment on the land or premises;

(b) require the applicant or beneficiary, or any employee or agent of such applicant or beneficiary–

(i) to produce, or secure the production of, any document relating to any matter governed by these Regulations; and

(ii) to supply any additional information relating to any matter governed by these Regulations which is in the possession of or under the control of that person;

(c) where any document or information referred to in sub-paragraph (b) is kept by means of a computer–

(i) have access to any computer and any associated apparatus, data storage facility or material which is or has been used for storing that information; and

(ii) require the information to be reproduced in a form in which it is legible and can be taken away;

(d) require copies of or extracts from any document or other record referred to in sub-paragraph (a) or (b) to be produced;

(e) retain a copy of any document produced;

(f) seize and retain any document or other record which the authorised person reasonably believes may be required as evidence in proceedings under these Regulations; and

(g) if necessary for the purposes of paragraph (1)–

(i) inspect and count livestock on the land, and

(ii) require the applicant or beneficiary, or any employee or agent of such beneficiary, to arrange for the collection, penning and securing of such livestock.

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

(a) any official of the European Commission; and

(b) such other persons as the responsible body considers necessary for any of the purposes mentioned in paragraph (1).

(6) Paragraphs (4), (5) and (7) apply in relation to a person referred to in paragraph (5)(b), when acting under the instructions of an authorised person, as if they were an authorised person.

(7) An authorised person shall 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) An authorised person seeking admission to any land or premises under these Regulations must, if so required, produce proof of appointment for these purposes.