
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 260

The Rural Development Support Measures (Control Procedures and Miscellaneous Amendments) (Scotland) Regulations 2011

Amendment of the Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008

2.—(1) The Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), for the definition of “the Control Regulation” substitute—
““the Control Regulation” means Commission Regulation (EU) No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures⁽²⁾”.

(3) For regulation 2(2), substitute—

“(2) A reference in these Regulations to the EU legislation, or to any of the instruments referred to in the definition of the EU legislation, means a reference to the EU legislation or that instrument as amended from time to time.”.

(4) In regulation 2(3), for “the Electronic Communications Act 2000”, substitute “section 15 of the Electronic Communications Act 2000⁽³⁾”.

(5) In regulation 9(4)(f) (powers of authorised persons), before “inspect and count”, insert “may”.

(6) For regulation 13 (offences by bodies corporate), substitute—

“Offences by bodies corporate

13.—(1) Where—

(a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association, is guilty of an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

(a) in relation to a body corporate—

(i) a director, manager, secretary or other similar officer of the body; or

(1) S.S.I. 2008/64 as amended by S.I. 2011/1043.

(2) O.J. L 25, 28.1.2011, p.8.

(3) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.

- (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership a person who is concerned in the management or control of the association.”.