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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 162**

**The Land Managers Skills Development  
Grants (Scotland) Regulations 2008**

**Powers of authorised persons**

- 10.**—(1) An authorised person may, at any reasonable time, enter upon any land to—
- (a) verify the accuracy of any information contained in an application or a claim for payment under these Regulations or any other information provided by the applicant relating to the project;
  - (b) ascertain whether any grant is payable or recoverable under these Regulations, or the amount that is payable or recoverable;
  - (c) ascertain whether an offence under these Regulations has been or is being committed.
- (2) Paragraph (1) applies to land—
- (a) which is the subject of, or connected with the carrying out of, a project in respect of which an application has been made under these Regulations;
  - (b) which an authorised person has reasonable grounds to believe may be a place in which documents or other information which may require to be produced under these Regulations are kept.
- (3) But, where land 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 that right has been given to all residents of the dwelling-house.
- (4) An authorised person—
- (a) may inspect the land and any premises, plant, machinery, equipment, livestock, document or record which that person reasonably believes relates to the grant or the project;
  - (b) may require the applicant or any employee, servant or agent of the applicant—
    - (i) to produce, or secure the production of, any document relating to the grant or project; and
    - (ii) to supply any additional information relating to the grant or the project in the possession or under the control of that person;
  - (c) where any document or other record relating to the grant or project is kept by means of a computer, must be afforded access to any computer and any associated apparatus or material which is or has been used in connection with that document or record;
  - (d) may require copies of or extracts from any such documents or other record to be produced and may retain them and take them away;
  - (e) may remove and retain for a reasonable period any document or other record which that person reasonably believes may be required as evidence in any proceedings and, if it is recorded otherwise than in legible form, require it to be produced in a form in which it is legible or in which it can be taken away.
- (5) An applicant or any employee, servant or agent of the applicant must give an authorised person all reasonable assistance in relation to the matters mentioned in paragraphs (1) and (4).

(6) An authorised person entering upon any land under paragraph (1) may be accompanied by such other person as Ministers consider necessary, in which case paragraphs (4) and (5) also apply to that other person when acting under the instructions of an authorised person.

(7) An authorised person shall not be liable in any proceedings for anything done in purported exercise of the powers conferred on an authorised person by these Regulations if the 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 under this regulation must, if so required, produce proof of appointment as an authorised person for these purposes.