
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 359

**The European Maritime and Fisheries
Fund (Grants) (Scotland) Regulations 2015**

Powers of authorised officers

12.—(1) An authorised officer may at all reasonable hours and on producing, if requested to do so, a duly authenticated document showing the authority of the officer, exercise the powers specified in this regulation for the purposes of—

- (a) verifying the accuracy of any information or evidence contained in or included with an application or supplied under regulation 6;
- (b) ascertaining whether and to what extent any expenditure for which a grant is claimed should be approved;
- (c) ascertaining whether and to what extent any undertaking given by a beneficiary under regulation 8 or any relevant condition has been complied with;
- (d) ascertaining whether or to what extent any amount of grant is payable, or should be reduced, withheld or recovered under regulation 14;
- (e) ascertaining whether an offence under regulation 16 has been or is being committed; or
- (f) otherwise ascertaining, pursuant to Article 72 of the Common Provisions Regulation, whether EU aid is being properly managed and controlled,

and such powers are exercisable for those purposes in relation to any Scottish fishing boat, wherever it may be, and on a random, spot-check or sample basis as well as by reference to the particular circumstances of individual cases.

(2) Subject to paragraph (3), an authorised officer may enter upon any premises which are, or which such officer has reasonable cause to believe are, relevant premises.

(3) The power conferred by paragraph (2) may be exercised in relation to premises used as a dwelling house only where reasonable notice of the intended exercise of the power has been given to all residents of that dwelling house.

(4) Any authorised officer who has entered any premises in accordance with paragraph (2) may inspect—

- (a) those premises;
- (b) any equipment which is, or which such officer has reasonable cause to believe is, relevant equipment; and
- (c) any documents on those premises which are, or which such officer has reasonable cause to believe are, relevant documents.

(5) An authorised officer entering any premises by virtue of this regulation may be accompanied by such other person as the officer considers necessary, and paragraphs (2), (4) and (6) and regulations 11 and 13 apply in relation to such other person when acting under the instructions of the officer as if that person were an authorised officer.

(6) An authorised officer may—

- (a) require any beneficiary or an employee, servant or agent of a beneficiary to produce any relevant documents and to supply such additional information in the possession of that person or under their control relating to an application or an approved operation as the officer may reasonably request;
 - (b) inspect such documents and, where any such documents are kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with those documents;
 - (c) require that copies of, or extracts from, any relevant documents be produced;
 - (d) remove and retain for a reasonable period any such relevant document which the officer has reason to believe may be required as evidence in proceedings under these Regulations or which the Scottish Ministers may be required to make available to the Commission pursuant to Article 122 of the EMFF Regulation; and
 - (e) where any relevant document is kept by means of a computer, require such document to be produced in a form in which it may be taken away and in which it is visible and legible.
- (7) In this regulation—
- “Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995⁽¹⁾ and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;
- “premises” includes any vessel or other vehicle;
- “relevant equipment” means any plant, machinery or other equipment for which a grant has been claimed or paid; and
- “relevant premises” means any premises to which an approved operation relates or in which relevant documents or relevant equipment are retained or in which an authorised officer has reasonable grounds to believe such documents or equipment may be retained.

Commencement Information

II [Reg. 12](#) in force at 30.11.2015, see [reg. 1\(1\)](#)

⁽¹⁾ 1995 c.21.

Changes to legislation:

There are currently no known outstanding effects for the The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015, Section 12.