
STATUTORY INSTRUMENTS

1994 No. 2349

The Countryside Access Regulations 1994

Withholding and recovery of aid and termination

11.—(1) Where any person, with a view to obtaining the payment of aid under these Regulations to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the Minister may withhold the whole or any part of any aid payable to that person or to such other person and may recover the whole or any part of any aid already paid to that person or to such other person.

(2) Where a beneficiary—

- (a) fails to comply with any of the access obligations;
- (b) fails without reasonable excuse to permit entry and inspection by an authorised officer or to render all reasonable assistance to such authorised officer as required by regulation 10; or
- (c) fails without reasonable excuse to comply with any other requirement of these Regulations,

the Minister may withhold the whole or any part of any aid payable to that beneficiary and may recover the whole or any part of any aid already paid to him.

(3) Where the Minister withholds or recovers aid under paragraph (1) or (2) above, he may treat as terminated the undertakings given by the beneficiary under these Regulations.

(4) Where there is a change of occupation of part of the land subject to access obligations, and the Minister, in accordance with paragraph (3) above or regulation 7(6)(c), subsequently treats as terminated the undertakings given by a beneficiary in relation to any part of that land, and he is satisfied that as a consequence the requirements of regulation 6(1) or (2)(b) are no longer met as respects any other part of that land subject to access obligations which is occupied by any other beneficiary, he may—

- (a) withhold the whole or part of any aid payable to that other beneficiary;
- (b) recover the whole or part of any aid already paid to him; and
- (c) treat as terminated the undertakings given by that other beneficiary under these Regulations.

(5) The powers in paragraph (4)(a) to (c) above shall not be exercised against a beneficiary unless the Minister has notified him in writing at the time his application was accepted, or his undertaking under regulation 7(1)(b) was given, as the case may be, with specific reference to the land in relation to which he assumes access obligations, of the circumstances in which those powers could be exercised against him.

(6) Before withholding or recovering any aid under paragraph (2)(a) or (4) above, the Minister shall—

- (a) give to the beneficiary a written explanation of the reasons for the proposed withholding or recovery;
- (b) afford the beneficiary an opportunity of appearing before and being heard by a person appointed for that purpose by the Minister; and
- (c) consider the report by the person so appointed and supply a copy of the report to the beneficiary.