
STATUTORY INSTRUMENTS

2021 No. 405

The Agriculture (Financial Assistance) Regulations 2021

Part 6

Inspections and powers of entry

Powers of entry

17.—(1) An authorised person may, at any reasonable hour, enter any land or premises owned or occupied by an agreement holder, or over which the agreement holder has control, other than a private dwelling, without notice if—

- (a) there is a reasonable suspicion of—
 - (i) a breach of any condition subject to which financial assistance is given;
 - (ii) a breach of these Regulations of the type listed in regulation 20(a), (b)(i) and (iv) to (vii); or
 - (iii) an offence having been committed under any other legislation, in so far as it is relevant to the application or the request for, or receipt of, financial assistance;
- (b) the authorised person produces, if so required, a duly authenticated document confirming authorisation; and
- (c) one or more of the conditions in paragraph (4) is met.

(2) An authorised person may, at any reasonable hour, enter any private dwelling owned or occupied by an agreement holder, or over which the agreement holder has control, without notice if a warrant has been obtained in accordance with paragraph (3).

(3) A justice of the peace may, by signed warrant, permit an authorised person to enter any private dwelling owned or occupied by an agreement holder, or over which the agreement holder has control, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there is a reasonable basis for the suspicion referred to in paragraph (1)(a);
- (b) one or more of the conditions in paragraph (4) is met; and
- (c) if only the condition set out in paragraph (4)(a) is met—
 - (i) notice of intention to apply for a warrant has been served on the agreement holder; or
 - (ii) such notice has not been served on the agreement holder because serving such a notice would interfere with the purpose or effectiveness of the entry.

(4) The conditions are that—

- (a) entry to the land or premises has been refused, or the Secretary of State has reasonable grounds to suspect entry is likely to be refused;
- (b) entry is required urgently;
- (c) the land or premises are unoccupied or the occupier is temporarily absent.

(5) A warrant signed in accordance with paragraph (3) is valid for one month from the date of signature.

(6) An authorised person who enters any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured as they were before entry.