



STATUTORY INSTRUMENTS.

S.I. No. 450 of 2025

EUROPEAN UNION (LEADER) (OFFENCES AND CONTROL)
REGULATIONS 2025

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I, DARA CALLEARY, Minister for Rural and Community Development and the Gaeltacht, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Article 59 of Regulation (EU) 2021/2116 of 2 December 2021¹ (as amended by Commission Delegated Regulation (EU) 2022/1408 of 16 June 2022² and further amended by Regulation (EU) 2024/1468 of 14 May 2024³) in so far as Regulation 2021/2116 relates to LEADER as defined in Article 3 of Regulation (EU) 2021/2115 of 2 December 2021⁴ (as amended by Commission Delegated Regulation (EU) 2022/648 of 15 February 2022⁵, Commission Delegated Regulation (EU) 2023/813 of 8 February 2023⁶, Commission Delegated Regulation (EU) 2024/946 of 18 January 2024⁷ and Regulation (EU) 2024/1468 of 14 May 2024³) with reference to Article 31 of Regulation (EU) 2021/1060 of 24 June 2021⁸ (as amended by Regulation (EU) 2022/2039 of 19 October 2022⁹, Regulation (EU) 2023/435 of 27 February 2023¹⁰, Regulation (EU) 2023/955 of 10 May 2023¹¹ and Regulation (EU) 2024/795 of 29 February 2024¹²) hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (LEADER) (Offences and Control) Regulations 2025.

Interpretation

2. In these Regulations –

“application” means an application for support or payment under LEADER pursuant to a European Act specified in Schedule 1, whether maintained in electronic form or otherwise;

“authorised officer” means a person appointed under Regulation 3;

“document” includes any information, photograph, image or map whether maintained in electronic form or otherwise;

¹ OJ L 435, 6.12.2021, p.187.

² OJ L 216, 19.8.2022, p. 1.

³ OJ L 2024/1468, 24.5.2024.

⁴ OJ L 435, 06.12.2021, p. 1.

⁵ OJ L 119, 21.4.2022, p. 1.

⁶ OJ L 102, 17.4.2023, p. 1.

⁷ OJ L, 2024/946, 26.3.2024.

⁸ OJ L 231, 30.6.2021, p. 159.

⁹ OJ L 275, 25.10.2022, p. 23.

¹⁰ OJ L 63, 28.2.2023, p. 1.

¹¹ OJ L 130, 16.5.2023, p. 1.

¹² OJ L, 2024/795, 29.2.2024.

“European Act” means an act adopted by an institution of the European Union or an institution of the European Communities;

“LEADER” means community-led local development as defined in Article 3 of Regulation (EU) 2021/2115⁴ with reference to Article 31 of Regulation (EU) 2021/1060⁸;

“Minister” means Minister for Rural and Community Development and the Gaeltacht;

“person in charge” in relation to a premises means a person under whose direction and control any activities at the premises are conducted;

“premises” includes any building or part of a building, any structure including a temporary or moveable structure, land (whether or not there are structures on the land), and any plant or related accessories on or under such land, together with any outbuildings and curtilage, or a vehicle;

“Regulation (EU) 2021/1060” means Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy⁸, as amended by the European Acts specified in Schedule 2;

“Regulation (EU) 2021/2115” means Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013⁴, as amended by the European Acts specified in Schedule 3;

“record” includes a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, a photograph, film or recording (whether of sound or images or both), any form in which data are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically, electronically or optically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of 2 or more of the foregoing;

“vehicle” means any conveyance in or by which a person or thing is transported, which is designed for use on land, in water or air, and includes –

- (i) a part of a vehicle,
- (ii) an article designed as a vehicle but not capable of functioning as a vehicle, or
- (iii) a container, trailer, tank or other thing which is designed or constructed to be placed on, in, or attached to, a vehicle.

(2) A word or expression used in these Regulations and also used in a European Act has, unless the context otherwise requires, the same meaning in these Regulations that it has in the European Act.

Authorised officer

3. (1) For the purposes of the European Acts specified in Schedule 1, insofar as such European Acts concern the effective protection of the financial interests of the Union in relation to the allocation of funding or support under LEADER and these Regulations, the Minister may in writing appoint a person as he or she thinks appropriate to be an authorised officer for the purposes of some or all of the functions of an authorised officer under these Regulations.

(2) An appointment under paragraph (1) ceases –

- (a) if the Minister revokes the appointment in writing,
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed is an officer of the Minister, and the person appointed ceases to be such an officer.

(3) A person appointed under paragraph (1) shall on appointment be given a warrant of his or her appointment, and when performing a function conferred on him or her under these Regulations shall, if requested by a person affected by the performance of the function, produce the warrant to that person for inspection.

Functions of authorised officer

4. (1) Subject to paragraph (2), an authorised officer may enter and inspect, at all reasonable times, a premises if he or she has reasonable grounds for believing that –

- (a) it is relevant to an application, or
- (b) a record relating to an application is, may be or has been present at the premises.

(2) An authorised officer shall not enter, except with the consent of the occupier, a dwelling unless he or she has obtained a search warrant under Regulation 5.

(3) Whenever an authorised officer enters any premises for the purpose of performing his or her functions under these Regulations, the authorised officer may –

- (a) search the premises,
- (b) require the name and address of any person at the premises,
- (c) require any person at the premises, or the person in charge of a premises –
 - (i) to give the authorised officer any information in the person's possession or control or which the person is able to procure,

- (ii) to produce to the authorised officer books, records or other documents in the person's possession or control or which the person is able to procure (and in the case of documents stored in non-legible form, to produce a legible reproduction), and
 - (iii) to give the authorised officer any other assistance that the person is able to give,
 - (d) require any person at the premises or person in charge of the premises to answer such questions as the authorised officer may ask relative to any matter in connection with an application,
 - (e) inspect and take copies of any application, document or record (including a legible reproduction of one stored in non-legible form) or extracts from applications, documents or records that the officer obtains or is produced to him or her during an inspection at a premises,
 - (f) take possession of an application, document, record (including a record in non-legible form) or other thing, and remove and retain them for such period as the authorised officer considers necessary,
 - (g) mark or otherwise identify an application, document, record or other thing,
 - (h) subject to paragraph (4), cause to have stopped a vehicle or other thing in connection with an application and may require it to be moved for inspection to such place he or she directs.
- (4) An authorised officer may not halt a vehicle in a public place (within the meaning of the Road Traffic Act 1961) for the purposes of paragraph (3), except in the presence of a member of An Garda Síochána or an officer of the Revenue Commissioners.
- (5) An authorised officer, when performing a function under this Regulation, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the performance of the function.
- (6) Where the Minister is satisfied that an authorised officer appointed by the Minister has performed his or her functions under these Regulations in good faith, the Minister shall indemnify the authorised officer against any actions or claims, however they arise, in relation to the performance by the authorised officer of those functions.
- (7) A statement or admission made by a person pursuant to a requirement under paragraph (3)(c) or (3)(d) is not admissible as evidence in proceedings brought against that person for an offence (other than an offence under Regulation 6).

Search Warrant

5. (1) Where an authorised officer in the performance of his or her functions under these Regulations –

- (a) is prevented from entering, or otherwise refused permission to enter a premises, or
- (b) has reason to believe that evidence relating to the commission of an offence under these Regulations may be present on a premises,

the authorised officer may apply to the District Court for a warrant authorising the entry by the authorised officer onto the premises.

(2) If, on application to him or her under paragraph (1), a judge of the District Court is satisfied on the sworn information of the authorised officer that he or she –

- (a) was prevented from entering, or otherwise refused permission to enter a premises, or
- (b) has reason to believe that evidence relating to the commission of an offence under these Regulations may be present on a premises,

the Court may issue a search warrant.

(3) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers, other persons or by a member of An Garda Síochána or an officer of the Revenue Commissioners, as the named authorised officer thinks necessary, at any time or times, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if necessary by use of reasonable force, the premises named in the warrant.

(4) When entering a premises under a warrant issued under this Regulation, an authorised officer may perform all or any of the functions conferred on an authorised officer under these Regulations.

Obstruction

6. A person who –

- (a) obstructs or impedes an authorised officer in the performance of his or her functions under Regulation 4 or Regulation 5,
- (b) fails or refuses to comply with a requirement imposed by an authorised officer under Regulation 4(3)(c) or 4(3)(d), or
- (c) in purporting to give information to an authorised officer for the performance of the officer's functions under Regulation 4 –
 - (i) makes a statement that he or she knows to be false in a material particular, or
 - (ii) fails to disclose a material particular

shall be guilty of an offence.

Offences relating to an application

7. (1) A person shall not, for the purpose of an application –
 - (a) make a statement that he or she knows to be false in a material particular or is reckless as to whether the statement is false in a material particular,
 - (b) produce, furnish, cause or knowingly allow to be produced or furnished an application or document which he or she knows to be false in a material particular or is reckless as to the production or furnishing of such application or document, or
 - (c) include in an application, a particular which he or she knows to be false or misleading in a material respect or is reckless as to whether such a particular is false or misleading.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence.

Penalties, prosecution and bodies corporate

8. (1) A person guilty of an offence under these Regulations shall be liable on summary conviction to a class A fine, or imprisonment for a term not exceeding 6 months, or both.
- (2) Summary proceedings for an offence under these Regulations may be brought and prosecuted by the Minister.
- (3) Where an offence under these Regulations is committed by a body corporate and it is proved that the offence was committed with the consent, connivance or approval of, or was attributable to any wilful neglect on the part of any person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director or manager of the body corporate.

Schedule 1
European Acts relevant to application

Regulation (EU) 2021/1060⁸,

Regulation (EU) 2021/2115⁴,

Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013¹,

Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro¹³,

Commission Delegated Regulation (EU) 2022/1408 of 16 June 2022 amending Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the payment of advances for certain interventions and support measures provided for in Regulations (EU) 2021/2115 and (EU) No 1308/2013 of the European Parliament and of the Council².

¹³ OJ L 20, 31.01.2022, p. 95.

Schedule 2

European Acts amending Regulation (EU) 2021/1060⁸

Regulation (EU) 2022/2039 of the European Parliament and of the Council of 19 October 2022 amending Regulations (EU) No 1303/2013 and (EU) 2021/1060 as regards additional flexibility to address the consequences of the military aggression of the Russian Federation FAST (Flexible Assistance for Territories) – CARE⁹,

Regulation (EU) 2023/435 of the European Parliament and of the Council of 27 February 2023 amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulations (EU) No 1303/2013, (EU) 2021/1060 and (EU) 2021/1755, and Directive 2003/87/EC¹⁰,

Regulation (EU) 2023/955 of the European Parliament and of the Council of 10 May 2023 establishing a Social Climate Fund and amending Regulation (EU) 2021/1060¹¹,

Regulation (EU) 2024/795 of the European Parliament and of the Council of 29 February 2024 establishing the Strategic Technologies for Europe Platform (STEP), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241¹².

Schedule 3
European Acts amending Regulation (EU) 2021/2115⁴

Commission Delegated Regulation (EU) 2022/648 of 15 February 2022 amending Annex XI to Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the amount of Union support for types of intervention for rural development for financial year 2023⁵,

Commission Delegated Regulation (EU) 2023/813 of 8 February 2023 amending Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards Member States' allocations for direct payments and the annual breakdown by Member State of the Union support for rural development⁶,

Commission Delegated Regulation (EU) 2024/946 of 18 January 2024 amending Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards Member States' allocations for direct payments⁷,

Regulation (EU) 2024/1468 of the European Parliament and of the Council of 14 May 2024 amending Regulations (EU) 2021/2115 and (EU) 2021/2116 as regards good agricultural and environmental condition standards, schemes for climate, environment and animal welfare, amendment of the CAP Strategic Plans, review of the CAP Strategic Plans and exemptions from controls and penalties³.



GIVEN under the Official Seal of the Minister for Rural and Community Development and the Gaeltacht,

30 September, 2025.

DARA CALLEARY,
Minister for Rural and Community Development and the Gaeltacht.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations set out the functions of authorised officers engaged in carrying out inspections on LEADER projects and beneficiaries, financed by the European Agricultural Fund for Rural Development (EAFRD), to ensure effective protection of the financial interests of the Union.

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