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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 3**

**The Bovine Viral Diarrhoea (Scotland) Order 2013**

**PART 6**

**Enforcement and offences**

**Interpretation of Part 6**

**25.** In this Part, “premises” means any land, building or vehicle, of any description.

**Enforcement**

**26.—(1)** Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Scottish Ministers may, in relation to such particular cases or such cases of a particular description, as they may specify, enforce this Order in place of the local authority.

**Powers of entry**

**27.—(1)** An inspector may, on producing a duly authenticated authorisation if requested, enter any premises (except premises used wholly as a private dwelling house) at any reasonable hour for the purpose of enforcing this Order.

(2) A justice of the peace or sheriff may by signed warrant permit an inspector to enter any premises as mentioned in paragraph (1), if necessary by reasonable force, if satisfied, on sworn information in writing, that—

- (a) there are reasonable grounds to enter those premises for the purpose of enforcing this Order; and
  - (b) any of the conditions in paragraph (3) are met.
- (3) The conditions referred to in paragraph (2)(b) are—
- (a) entry to the premises has been, or is likely to be, refused, and notice of intention to apply for a warrant has been given to the occupier;
  - (b) asking for admission to the premises, or giving such notice, would defeat the object of entry;
  - (c) entry is required urgently; or
  - (d) the premises are unoccupied or the occupier is temporarily absent.

(4) A warrant may be granted for a period of up to 3 months.

**Powers of inspectors**

**28.—(1)** An inspector entering any premises under article 27 may for the purpose of enforcing this Order—

- (a) inspect any animal or article there;

- (b) take samples;
  - (c) carry out any inquiries, examinations or tests;
  - (d) have access to, inspect and copy any relevant documents or records (in whatever form they are held), and remove them to enable them to be copied;
  - (e) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with the records.
- (2) Where an inspector has entered premises and it is not reasonably practicable to determine whether documents on those premises are relevant, the inspector may seize them to ascertain whether or not they are relevant.
- (3) The inspector may—
- (a) take any necessary equipment or vehicle on to the premises; and
  - (b) be accompanied by such other persons as the inspector considers necessary.

### **Offences by bodies corporate**

**29.**—(1) Where—

- (a) an offence against the Act in relation to this Order is committed by a body corporate or a Scottish partnership or other unincorporated association;
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body;
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.