

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2005 No. 608**

**The Feed (Hygiene and Enforcement)  
(Scotland) Regulations 2005**

**PART 4**

**Administration and Enforcement Generally**

**Powers of entry for authorised officers**

**24.**—(1) For the purposes of executing and enforcing specified feed law an authorised officer may at all reasonable times, and on producing, if requested to do so, some duly authenticated document showing the officer's authority, enter—

- (a) any premises on which the officer has reasonable cause to believe that feed has been, or is being, manufactured or produced, or is being kept for the purpose of being placed on the market, incorporated in another product or used; or
- (b) any premises (not being premises used only as a dwelling) on which the officer has reasonable cause to believe that there is any feed which is in the possession, or under the control, of the occupier of the premises.

(2) If a sheriff, magistrate, or a justice of the peace on sworn information in writing, is satisfied that there is reasonable ground for entry into any such premises as are mentioned in paragraph (1), and either—

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the sheriff, magistrate or justice may by signed warrant authorise the authorised officer to enter the premises, if need be by reasonable force.

(3) Every warrant granted under this regulation shall continue in force for a period of 1 month.

(4) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may be accompanied by such other persons and take such equipment as the officer considers to be necessary, and on leaving any unoccupied premises entered by virtue of such a warrant, shall leave them as effectively secured against unauthorised entry as they were found.

(5) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, has the right to inspect—

- (a) any material appearing to the officer to be feed;
- (b) any article appearing to the officer to be a container or package used or intended to be used to store, wrap or package any feed, or to be a label or advertisement used or intended to be used in connection with feed; or

- (c) any vehicle, plant or equipment appearing to the officer to be used, or intended to be used, in connection with the manufacture, production, storage, transport or use of feed, and any process of manufacture, production, storage, transport or use of feed.
- (6) Subject to paragraph (8), an authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may take on those premises, in the prescribed manner, a sample of any material appearing to the officer to be a feed manufactured, produced, placed on the market or intended to be placed on the market or to be material used, or intended to be used, as feed.
- (7) Without prejudice to an authorised officer's powers and duties as to the taking of samples in the prescribed manner, the officer may take a sample in a manner other than that prescribed of any material which has been sold for use as feed or which the officer has reasonable cause to believe to be intended for sale as such.
- (8) Where, for the purpose of taking a sample pursuant to paragraph (6) or (7), an authorised officer takes some of it from each of one or more containers, which are exposed for sale by retail, and none of which weighs more than 6 kilograms, the owner of the container or containers may require the authorised officer to purchase the container or containers on behalf of the enforcement authority.
- (9) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may—
  - (a) require any person carrying on, or appearing to the officer to be carrying on, a feed business, or any person employed in connection with such a business, to produce any record (in whatever form it is held) relating to or arising out of the exercise in the course of that business of any such activity, and which is in that person's possession or under that person's control; and
  - (b) inspect and take copies of any record, or of any entry in any record produced in pursuance of the preceding sub paragraph.
- (10) An authorised officer exercising the power conferred by paragraph (9) in respect of a record held by means of a computer—
  - (a) is entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been, or which it appears to the officer is or has been, in use in connection with the record in question;
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford the authorised officer such reasonable assistance as the officer may require for that purpose; and
  - (c) may require the record, or an extract from the record, to be produced in a form in which it may be taken away.
- (11) Where (in the case of a person carrying on, or appearing to carry on, a business which consists of or includes the manufacture of a compound feeding stuff)—
  - (a) a requirement is made under paragraph (9)(a) in relation to any feeding stuff which is, or appears to be, intended for a particular nutritional purpose; and
  - (b) at the time the requirement is made, the record in respect of which it is made has been published and is available in accessible form for public use,the person of whom the requirement is made shall be deemed to comply with it if, at the time it is made, that person supplies the authorised officer making it with correct and adequate details of the publication concerned, and of where a copy of it may be obtained.

(12) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may seize and detain any record which the officer has reasonable cause to believe to be a record which may be required as evidence in proceedings under specified feed law.

[<sup>F1</sup>(13) In this regulation—

- (a) “compound feeding stuff” bears the same meaning as “compound feed” as defined in Article 3(2)(h) of Regulation 767/2009;
- (b) “feeding stuff which is intended for a particular nutritional purpose” bears the same meaning as “feed intended for particular nutritional purposes” as defined in Article 3(2) (o) of that Regulation; and

<sup>F2</sup>(c) .....]

(14) Nothing in this regulation authorises any person, except with the permission of the local authority under the Animal Health Act 1981 <sup>M1</sup>, to enter any premises—

- (a) on which an animal or bird affected with any disease to which that Act applies is kept; and
- (b) which is situated in a place declared under that Act to be infected with such a disease.

**Textual Amendments**

**F1** Reg. 24(13) substituted (23.11.2010) by [The Animal Feed \(Scotland\) Regulations 2010 \(S.S.I. 2010/373\)](#), regs. 1, **15(4)**

**F2** Reg. 24(13)(c) omitted (14.12.2019) by virtue of [The Official Feed and Food Controls \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/407\)](#), regs. 1, **3(3)**

**Marginal Citations**

**M1** 1981 c. 22.

**Changes to legislation:**

There are currently no known outstanding effects for the The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, Section 24.