
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 606

**The Welfare of Animals (Transport)
(Scotland) Regulations 2006**

PART 5

Miscellaneous

Powers of inspectors

22.—(1) An inspector may, if the inspector considers animals are being transported, or are about to be transported, in a way which—

- (a) contravenes any provision of these Regulations; or
- (b) constitutes an offence against the Act by virtue of these Regulations

serve a notice on the person [^{F1}responsible for the animals on a permanent or temporary basis] requiring that person to take any action necessary to ensure compliance with these Regulations, giving reasons for the requirements.

(2) An inspector may in particular—

- (a) prohibit the transport of the animals, either indefinitely or for a period specified in the notice;
- (b) specify conditions under which the animals may be transported;
- (c) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;
- (d) require the animals not fit to complete their journey to be unloaded, watered, fed or rested;
- (e) require the humane slaughter or killing of the animals; or
- (f) require a means of transport or container to be repaired or replaced before it is used to transport animals.

(3) Where it is necessary for identification purposes, an inspector may mark an animal.

(4) Any person who defaces, obscures or removes any mark applied under paragraph (3) shall be guilty of an offence under the Act.

[^{F2}(5) An inspector may—

- (a) inspect any document for the purpose of ascertaining whether the provisions of these Regulations, Council Regulation (EC) No. 1/2005, or Council Regulation (EC) No. 1255/97 have been complied with; and
- (b) take copies of any such document inspected or any other document inspected in the course of performing official controls under Regulation (EU) 2017/625.]

(6) An inspector may serve on the owner, or any person appearing to the inspector to be in charge of a control post, a notice requiring that person to take any action the inspector reasonably

considers necessary to ensure compliance with, or remedy any infringement of, Council Regulation (EC) No. 1255/97.

- (7) Without prejudice to the generality of paragraph (6), an inspector may—
- (a) require one or more animals at a control post to be removed from the control post;
 - (b) specify conditions under which animals may remain there.

(8) In deciding whether to serve a notice under this regulation, an inspector may take into account any previous failure to comply with any provision of these Regulations, or of any Order made under section 8, 37, 38 or 39 of the Act or [^{F3}paragraph 13(b)] of Annex II to Council Regulation (EC) No. 1/2005 (return of documents after completion of journey).

(9) Where a person fails to comply with the requirements of a notice served under this regulation, an inspector may take any steps the inspector considers necessary to ensure the requirement is met.

(10) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or the local authority in taking such steps.

Textual Amendments

- F1** Words in reg. 22(1) substituted (13.11.2009) by The Welfare of Animals (Transport) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/339), regs. 1, **2(4)**
- F2** Reg. 22(5) substituted (6.4.2023) by The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023 (S.I. 2023/287), regs. 1(2), **5(4)(a)**
- F3** Words in reg. 22(8) substituted (6.4.2023) by The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023 (S.I. 2023/287), regs. 1(2), **5(4)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Scotland) Regulations 2006, Section 22.