
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 494

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 6) Regulations 2007

PART 4

Administration and enforcement

Powers of an inspector

22.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right to enter any land or premises at all reasonable hours for the purpose of ascertaining whether there is or has been on the land or premises any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) detain any vehicle, vessel, container or anything which the inspector reasonably suspects to contain animals or products controlled by these Regulations and intended for dispatch or export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for dispatch or export;
- (b) search any premises;
- (c) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifesto; and
- (e) take with him a representative of the European Commission acting for the purposes of the Decision.

(3) In this regulation “premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

Illegal export of products

23.—(1) An inspector who has reasonable grounds to suspect that any product other than an animal is intended to be exported in contravention of these Regulations may seize and remove the product.

(2) An inspector who has seized and removed a product shall forthwith—

- (a) apply to the sheriff for an order under paragraph (3); and
- (b) intimate that application to any person appearing to the inspector to be in charge of the product.

(3) The sheriff, if satisfied that it was intended to export the product in contravention of these Regulations, shall—

- (a) if satisfied that the product can be returned to the owner without a significant risk of a further attempt to export it in contravention of these Regulations, order that it is so returned; or
- (b) if not satisfied that the product can be returned in accordance with sub-paragraph (a), order that it is to be put into storage (if practicable) or destroyed.

(4) The owner and any person in charge of a product destroyed or disposed in accordance with an order under paragraph (3) shall be jointly and severally liable for the costs incurred in the return to the owner, removal to storage, storage, or destruction or other disposal.

(5) An inspector may apply to the sheriff for the destruction of a product stored in accordance with an order under paragraph (3), and the sheriff shall order that it is to be destroyed if satisfied that the owner cannot—

- (a) be found; or
- (b) pay the costs associated with storage of the product.

Obstruction

24. No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of their functions under these Regulations.

False information

25. No person shall provide to any person acting in the execution of these Regulations any information which the first mentioned person knows to be false or misleading.

Offences by bodies corporate

26.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that officer or person as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, “director” in relation to a body corporate whose affairs are managed by its members, means a member or partner of the body corporate.

Penalties

27. A person contravening any provision of these Regulations is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Approvals issued and things done in another part of the British Islands

28.—(1) Where these Regulations require any approval to be issued or granted by the Scottish Ministers, an equivalent document issued in another part of the British Islands by a competent authority in that part is valid in Scotland.

(2) Where these Regulations require that any declaration is made, an equivalent document made in another part of the British Islands is valid in Scotland.

(3) Where these Regulations require anything to be done in an approved establishment, slaughterhouse or cutting plant in Scotland, anything done in premises approved for the same purpose in another part of the British Islands shall be treated as if it had been approved in Scotland.

(4) Where these Regulations require that a thing is authorised by or done under the supervision or control of the Scottish Ministers, a thing authorised by or done under the supervision or control of the equivalent authority for the same purpose in another part of the British Islands shall be treated as if it had been authorised or done by the Scottish Ministers.

Sharing of information

29.—(1) The Scottish Ministers and any local authority may exchange information for the purposes of these Regulations, and may disclose information to an enforcement authority in another part of the British Islands.

(2) Paragraph (1) is without prejudice to any other power of the Scottish Ministers or any local authority to disclose information.

Enforcement

30. These Regulations shall be enforced by the Scottish Ministers or the local authority.

Revocation

31. The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 5) Regulations 2007⁽¹⁾ are revoked.

(1) [S.S.I. 2007/473](#).