
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 158

**The Products of Animal Origin (Disease
Control) (Scotland) Order 2008**

PART 3

Inspection, offences and enforcement

Powers and duties of inspectors

17.—(1) An inspector may require a person in possession of any meat to detain that meat at a place specified by the inspector.

(2) An inspector may require a person in possession of meat to dispose of that meat.

(3) An inspector may require a person in possession of meat to treat that meat.

(4) An inspector may carry out such inquiries, examinations and tests and take such samples as that inspector considers necessary.

(5) An inspector may mark any animal, meat or other thing for identification purposes.

(6) An inspector may, by notice to the occupier of any premises or establishment, require the marking of any meat.

(7) An inspector may, by notice to the occupier of any premises or establishment, require the tracing of any meat that the occupier has handled.

(8) An inspector may, by notice to the occupier of any premises or establishment, require the cleansing and disinfection of any part of those premises or that establishment.

(9) An inspector may, by notice to the person in charge of any thing, require the cleansing and disinfection of that thing.

(10) An inspector may, by notice to the occupier of any premises or establishment or the person in charge of any animal, or thing, require—

(a) the isolation of the animal, or thing, in a specified place;

(b) the separation of any animal, or thing, from any other animal, or thing.

(11) An inspector may inspect and copy any records (in whatever form they are held) kept under this Order and remove such records so they may be copied.

(12) An inspector may inspect and check the operation of any computer and associated apparatus or material used in connection with the making and keeping of records under this Order.

(13) An inspector may require computer records to be produced in a form which may be taken away.

(14) An inspector who enters any premises, establishment or vehicle may be accompanied by—

(a) such other persons as that inspector considers necessary; and

(b) any representative of the European Commission.

(15) An inspector who enters any unoccupied premises or unoccupied establishment must leave them as effectively secured against unauthorised entry as the inspector found them.

Provision of reasonable assistance, information and cooperation

18. Any person required to give reasonable assistance or information to a person executing this Order must, unless the person has reasonable cause, do so without delay.

Costs of compliance

19. The costs incurred by any person in taking any action required under this Order, or of refraining from taking action prohibited under it, must be met by that person unless the Scottish Ministers direct otherwise in writing.

Powers of inspectors in case of default

20. If any person fails to comply with a requirement of or made under this Order, an inspector may take such steps as the inspector considers necessary to ensure the requirement is met, at the expense of that person.

Offences by bodies corporate

21.—(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of members in connection with their functions of management as if they were directors of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(4) "Body corporate" includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

Disapplication of provisions to any person executing or enforcing this Order

22. Any prohibition or restriction on the movement or use of any thing under this Order does not apply to the following in their execution or enforcement of this Order—

- (a) the Scottish Ministers;
- (b) an inspector of the local authority;
- (c) any other person authorised by the Scottish Ministers or by the local authority to carry out such execution or enforcement.

Enforcement

23. This Order is to be enforced by—

- (a) the Scottish Ministers in any establishment or cutting plant; or

(b) the local authority, unless the Scottish Ministers direct otherwise.