
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 173

The Swine Vesicular Disease (Scotland) Order 2009

PART 5

Inspection and enforcement

Powers of entry

38.—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of ensuring compliance with this Order.

(2) The inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

Powers of an inspector

39. An inspector entering premises may—

- (a) inspect the premises and any plant, machinery or equipment;
- (b) inspect or examine any animal or thing;
- (c) take samples;
- (d) seize and destroy any thing that may spread the swine vesicular virus;
- (e) detain or isolate any animal or thing;
- (f) mark for identification purposes any animal or thing;
- (g) carry out any inquiries, examinations and tests;
- (h) have access to, and inspect and copy any documents or records (in whatever form they are held) relating to this Order, and remove them to enable them to be copied;
- (i) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with records; and
- (j) require the cleansing and disinfection of any part of the premises or any thing.

Notices relating to movement

40.—(1) If an animal has been moved in contravention of any provision of this Order or any approval, licence, notice or declaration under this Order, a veterinary inspector may serve a notice on a person—

- (a) detaining that animal on any premises, or any other animals on the premises; or
- (b) requiring the keeper to move the animal from any premises to the premises specified in the notice.

(2) If an animal has been moved to any premises under a licence, a veterinary inspector may serve a notice on the occupier of the premises imposing such movement restrictions relating to animals on the premises as the inspector considers are necessary to reduce or prevent the risk of spread of swine vesicular disease.

Powers of inspectors in case of default

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

Obstruction

42. A person must not—

- (a) intentionally obstruct a person acting in the execution of this Order;
- (b) without reasonable cause, fail to give to a person acting in the execution of this Order any assistance or information that that person may reasonably require under this Order;
- (c) furnish to a person acting in the execution of this Order any information knowing it to be false or misleading; or
- (d) fail to produce a record when required to do so to a person acting in the execution of this Order.

Offences by bodies corporate

43.—(1) Where a body corporate is guilty of an offence under this Order, 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) an officer of the body corporate; or
- (b) any person who was purporting to act in such capacity,

that person, 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 Scottish partnership and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

Enforcement

44.—(1) This Order is enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or to particular cases, that they will enforce this Order instead of the authority.

Revocations and consequential amendment

45.—(1) The following Orders are revoked—

- (a) the Swine Vesicular Disease Order 1972**(1)**;
 - (b) the Swine Vesicular Disease (Compensation) Order 1972**(2)**; and
 - (c) the Swine Vesicular Disease (Amendment) Order 1973**(3)**.
- (2) In Schedule 1 to the Products of Animal Origin (Disease Control) (Scotland) Order 2008**(4)**, for paragraph 5 substitute—
- “**5.** The Swine Vesicular Disease (Scotland) Order 2009.”.

(1) S.I.1972/1980.
(2) S.I. 1972/2014.
(3) S.I. 1973/101.
(4) S.S.I 2008/158.