
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 414

**The Sheep and Goats (Records, Identification
and Movement) (Scotland) Order 2009**

PART 7

Miscellaneous

Powers of inspectors

38.—(1) An inspector may—

- (a) collect, pen and inspect any animal, and require the keeper to arrange for its collection, penning and securing;
- (b) require production of and examine any records in whatever form, and take copies of those records;
- (c) remove and retain any documents and records required to be kept under this Order;
- (d) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any such records mentioned in sub-paragraphs (b) and (c), and require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the inspector may reasonably require;
- (e) require, where records are kept by means of a computer, those records to be produced in a visible and legible form in which they may be taken away;
- (f) require production of any unused eartags and record their numbers;
- (g) remove and retain any unused eartags;
- (h) mark any animal or other thing for identification purposes; and
- (i) be accompanied by any representative of the European Commission acting for the purpose of the Council Regulation or any other person the inspector considers necessary for the enforcement of this Order.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless that person has reasonable cause, do so without delay.

Movement restrictions

39.—(1) An officer of the Scottish Ministers or an inspector may, by notice in writing served on any keeper of animals on a holding, prohibit or restrict the movement of any animal onto or off that holding, except under the authority of a licence, if the officer is satisfied that it is necessary for the enforcement of this Order.

(2) A notice served under this article may be amended or revoked by a further notice in writing at any time.

False information

40. No person may furnish information which that person knows to be false or misleading to any person acting in the execution of this Order.

Offences by bodies corporate

41.—(1) Where a body corporate is guilty of an offence under this Order, and that offence is shown 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 person as well as the body corporate is guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, the provisions of paragraph (1) apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) For the purposes of paragraph (1), "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate and "body corporate" includes a Scottish partnership, and, in relation to such a partnership, a reference to a director or other officer of a body corporate is a reference to a partner.

Enforcement

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

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