
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 318

The Poultrymeat (Scotland) Regulations 2011

Powers of an authorised officer

11.—(1) An authorised officer entering premises under regulation 10 may—

- (a) inspect the premises, and any plant, machinery or equipment on those premises, and any of the following found on those premises—
 - (i) any meat that the authorised officer has reasonable grounds for believing is poultrymeat, (including giblets and any packaging in which the meat is found);
 - (ii) any empty container;
 - (iii) any label;
 - (iv) any packaging; and
 - (v) any live poultry (within the meaning given to it in Part XX of Annex I to the [^{F1}Council Regulation 2013]);
- (b) search the premises;
- (c) carry out any inquiries, examinations or tests;
- (d) have access to, and inspect and copy, any documents or records (in whatever form they are held) relating to matters covered by these Regulations, and remove them to enable them to be copied;
- (e) have access to, and inspect and check the data on, and operation of, any computer equipment that is, or has been in use in connection with, the documents or records mentioned in sub-paragraph (d), including data relating to deleted files and activity logs; and for this purpose the authorised officer may require any person having charge of, or otherwise concerned with the operation of, the computer equipment to afford to the authorised officer such assistance (including the provision of passwords) as the authorised officer may reasonably require, and, during the course of the checks, the authorised officer may recover data held on the computer equipment; and
- (f) where a document or record mentioned in sub-paragraph (d) is kept by means of a computer, require the record to be produced in a form in which it may be taken away.

(2) The authorised officer may direct a person appearing to the authorised officer to be in charge of the items or premises mentioned below that the following must be left undisturbed for as long as is reasonably necessary for the purpose of any examination or investigation—

- (a) any one or more of the items mentioned in paragraph (1)(a)(i) to (v); and
- (b) any premises on or in which any of those items are found.

(3) Where the authorised officer gives a person a direction under paragraph (2) those items which are the subject of the direction must be kept on the premises at that person's expense.

(4) The authorised officer may seize and detain any item of the type mentioned in paragraph (1)(a)(i) to (iv) or document or record mentioned in paragraph (1)(d) that the authorised officer has reason to believe may be required as evidence in proceedings under these Regulations.

(5) The authorised officer may seize as liable to destruction any item of the type mentioned in paragraph (1)(a)(i) to (iv) that the authorised officer reasonably believes contravenes any provision of these Regulations.

(6) The authorised officer may seize any computer equipment for the purpose of copying documents or records of the type mentioned in paragraph (1)(d), and for checking the data on, and operation of, any computer equipment that is, or has been, in use in connection with those documents or records (and in doing so may recover data), provided the equipment is returned as soon as practicable and, in any event, within 14 days, beginning with the day on which the equipment is seized.

(7) If the authorised officer is not able to remove an item or computer equipment seized under paragraph (4), (5) or (6) immediately, the authorised officer may—

- (a) mark it in any way that the authorised officer sees fit; and
- (b) give the person appearing to the authorised officer to be in charge of the item or computer equipment a notice (“a regulation 11(7) notice”)—
 - (i) identifying it;
 - (ii) requiring the item or computer equipment to be left undisturbed until it is collected by the authorised officer; and
 - (iii) prohibiting the removal of the item or computer equipment from the premises on which it was found until it is collected by the authorised officer.

(8) Where, in accordance with Article 8 of the Commission Regulation, the authorised officer has checked a batch of poultrymeat and is satisfied that it does not comply with the requirements of Article 1, 3 or 7 of the Commission Regulation, the authorised officer may direct any person appearing to the authorised officer to be in charge of the batch or premises not to market or import that batch until such time as proof has been produced to the relevant enforcement authority that it has been made to comply with those requirements.

(9) The authorised officer may give such directions as the authorised officer thinks appropriate in relation to a batch of poultrymeat to which paragraph (10) applies—

- (a) to prevent it being marketed in [^{F2}Great Britain] until the packaging has been marked, under supervision, in the manner mentioned in the first sub-paragraph of Article 16(6) of the Commission Regulation; or
- (b) to ensure that it is exported to a third country.

(10) This paragraph applies to—

- (a) a batch of frozen or quick-frozen chickens that is deemed, after counter-analysis, not to comply with Article 15(1) of the Commission Regulation;
- (b) an imported batch of frozen or quick-frozen chickens that is found not to comply with Article 15(1) of the Commission Regulation;
- (c) a batch of fresh, frozen or quick-frozen poultry cuts that is deemed, after counter-analysis, not to comply with Article 20(1) of the Commission Regulation; and
- (d) an imported batch of fresh, frozen or quick-frozen poultry cuts that is found not to comply with Article 20(1) of the Commission Regulation.

(11) The authorised officer must not exercise any power under this regulation, or give a direction under this regulation, except on the production, if so required, of a duly authenticated document showing the authorised officer's authority.

^{F3}(12)

Textual Amendments

- F1** Words in [reg. 11\(1\)\(a\)\(v\)](#) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **23(4)**
- F2** Words in [reg. 11\(9\)\(a\)](#) substituted by (31.12.2020) by [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/347\)](#), regs. 1(3), **5(7)(a)** (as substituted by [S.S.I. 2020/368](#), regs. 1(2), **6(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** [Reg. 11\(12\)](#) omitted (31.12.2020) by virtue of [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/347\)](#), regs. 1(3), **5(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Poultrymeat (Scotland) Regulations 2011, Section 11.