
STATUTORY INSTRUMENTS

2008 No. 465

The Products of Animal Origin (Disease Control) (England) Regulations 2008

PART 4

Inspection, offences and enforcement

Powers and duties of inspectors

17.—(1) On producing, if required, a duly authenticated document showing his authority, an inspector may, at all reasonable hours, enter any premises, establishment or vehicle for the purpose of ensuring that these Regulations are being complied with.

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

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

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

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

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

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

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

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

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

(11) 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.

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

(13) 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 these Regulations.

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

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

- (a) such other persons as he considers necessary; and
- (b) any representative of the European Commission.

(16) An inspector who enters an 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 to whom any requirement under these Regulations applies or who is required to give reasonable assistance or information to a person executing these Regulations must, unless that person has reasonable cause, do so without delay.

Costs of compliance

19. The costs incurred by any person in taking any action required under these Regulations, or of refraining from taking action prohibited under them, must be met by that person unless the Secretary of State directs otherwise in writing.

Powers of inspectors in case of default

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

Offences and proceedings

21.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) sections 66 (refusal and obstruction);
- (b) section 71A(1) (prosecutions: time limit);
- (c) section 73 (general offences);
- (d) section 77 (money recoverable summarily);
- (e) section 79(1) to (4) (evidence and procedure);

(2) Section 75 of the Act(2) (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction may not exceed three months.

Offences by bodies corporate

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

- (a) to have been committed with the consent or connivance of an officer; 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.

(1) Section 71A was inserted by the Animal Health Act 2002, section 14.

(2) Section 75 was amended by the Animal Health Act 2002, section 13.

(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.

Disapplication of provisions to any person executing or enforcing these Regulations

23. Any prohibition or restriction on the movement or use of any thing under these Regulations does not apply to the following in their execution or enforcement of these Regulations—

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

Enforcement

24. These Regulations are to be enforced by—

- (a) the Secretary of State in any establishment or cutting plant; or
- (b) the local authority, unless the Secretary of State directs otherwise.