
WELSH STATUTORY INSTRUMENTS

2007 No. 3518

The Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007

PART 3

Administration and enforcement

Powers of inspectors

6.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing his or her authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) detain any vehicle, vessel, container or anything which he or she reasonably suspects to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;
- (b) search any premises;
- (c) carry out inspections of any processes used for the marking or identification of animals, any premises or any installation;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifest; and
- (e) take with him or her a representative of the European Commission acting for the purposes of the Decision.

Powers of officers of Revenue and Customs

7. An Officer of Revenue and Customs may detain any vehicle, vessel, container or anything which the officer reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

Illegal consignments of products

8.—(1) This regulation has effect when an inspector, on reasonable grounds, suspects that anything other than live animals is intended to be exported in contravention of these Regulations.

(2) The inspector may seize it and remove it in order to have it dealt with by a justice of the peace.

(3) If anything is seized under this regulation, the inspector must inform the person appearing to the inspector to be in charge of the consignment of the inspector's intention to have it dealt with by a justice of the peace, and—

- (a) any person who might be liable for prosecution under these Regulations in relation to the export must, if they attend before the justice of the peace by whom the matter falls to be dealt with, be entitled to be heard and to call witnesses; and
- (b) the justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under these Regulations in relation to that consignment.

(4) If it appears to a justice of the peace that there was an intention to export the consignment in contravention of these Regulations the justice of the peace must, unless satisfied that the consignment can be returned to the owner without risk of a further attempt to export it in contravention of these Regulations, order that the consignment be destroyed or otherwise disposed of so as to prevent it from being exported.

(5) When under the preceding paragraph a justice of the peace is satisfied that there was an intention to export a consignment in breach of these Regulations, the owner, the consignor and the consignee are jointly and severally liable for the costs reasonably incurred in its removal to storage, its storage and its destruction or disposal.

Obstruction

9. A person must not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his or her functions under these Regulations;
- (c) furnish to any person acting in the execution of these Regulations any information which they know to be false or misleading; or
- (d) deface, obliterate or remove any mark made by an inspector under these Regulations.

Offences by bodies corporate

10.—(1) Where a body corporate is guilty of an offence under these Regulations, 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) 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 the offence and is liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

11. A person contravening any provision of these Regulations is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Certificates issued in another part of the United Kingdom

12. Where these Regulations require any certificate to be issued or granted by the Welsh Ministers, a veterinary inspector or inspector, an equivalent document issued in another part of the United Kingdom by the relevant competent authority is valid.

Sharing information

13.—(1) The Welsh Ministers, the Commissioners and any local authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in another part of the British Islands.

(2) Paragraph (1) is without prejudice to any other power of the Welsh Ministers, the Commissioners or any local authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (1) if—

(a) the information relates to a person whose identity—

(i) is specified in the disclosure; or

(ii) can be deduced from the disclosure;

(b) the disclosure is for a purpose other than the purposes of these Regulations; and

(c) the Commissioners have not given their prior consent to the disclosure.

(4) In this regulation, “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs.

Enforcement

14. These Regulations will be enforced by the Welsh Ministers or the local authority.

Revocation

15. The Export and Movement Restrictions (Foot-And-Mouth Disease) (No.2) (Wales) Regulations 2007(1) are revoked.