
WELSH STATUTORY INSTRUMENTS

2010 No. 1671

The Eggs and Chicks (Wales) Regulations 2010

PART 5

Miscellaneous provisions

Powers of an authorised officer

20.—(1) An authorised officer (“O”) entering premises under regulation 19 may—

- (a) inspect the premises, and any plant, machinery or equipment on those premises, and any of the following items found on those premises—
 - (i) eggs;
 - (ii) eggs for hatching;
 - (iii) packs or other containers for eggs, eggs for hatching or chicks; and
 - (iv) labels relating to eggs, eggs for hatching or chicks;
- (b) search the premises;
- (c) take samples;
- (d) carry out any inquiries, examinations or tests;
- (e) 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;
- (f) have access to, and inspect and check the data on, and operation of, any computer, and any associated electronic storage device or apparatus (“computer equipment”) that is, or has been in use in connection with, the documents or records mentioned in sub-paragraph (e), including data relating to deleted files and activity logs; and for this purpose O may require any person having charge of, or otherwise concerned with the operation of, the computer equipment to afford to O such assistance (including the provision of usernames and passwords) as O may reasonably require, and, during the course of the checks, O may recover data held on the computer equipment; and
- (g) where a document or record mentioned in sub-paragraph (e) is kept by means of a computer, require the record to be produced in a form in which it may be taken away.

(2) O may direct (“a regulation 20(2) direction”) a person (“P”) appearing to them 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 (iv);
- (b) any document or record mentioned in paragraph (1)(e);
- (c) any computer equipment mentioned in paragraph (1)(f); and
- (d) any premises on or in which any of those items are found.

(3) P is guilty of an offence if they fail to comply with a regulation 20(2) direction given to them by O.

(4) A person, other than O and P, who knows about a regulation 20(2) direction is guilty of an offence if (although the direction was not given to them) they disturb any item or premises in contravention of the terms of the direction.

(5) If an examination or investigation will not be carried out immediately after a direction has been given under paragraph (2), O may apply tape to the packs or other containers for eggs or eggs for hatching that are subject to that direction, or otherwise secure them pending the examination or investigation.

(6) A person who knows that packs or other containers for eggs or eggs for hatching have been taped or otherwise secured by O (pursuant to paragraph (5)) is guilty of an offence if they interfere with any of those packs or containers unless authorised to do so, in writing, by O.

(7) O 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)(e) that O has reason to believe may be required as evidence in proceedings under these Regulations.

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

(9) O may seize any computer equipment for the purpose of copying documents or records of the type mentioned in paragraph (1)(e), 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 it is returned as soon as practicable and, in any event, within 28 days, beginning with the day on which the equipment is seized.

(10) If O is not able to remove an item or computer equipment seized under paragraph (7), (8) or (9) immediately, they may—

- (a) mark it in any way that they see fit; and
- (b) give the person (“P”) appearing to them to be in charge of the item or computer equipment a notice (“a regulation 20(10) notice”)—
 - (i) identifying it;
 - (ii) requiring the item or computer equipment to be left undisturbed until it is collected by O; and
 - (iii) prohibiting the removal of the item or computer equipment from the premises on which it was found until it is collected by O.

(11) P is guilty of an offence if they fail to comply with a regulation 20(10) notice given to them by O.

(12) A person, other than O and P, who knows about a regulation 20(10) notice, is guilty of an offence if (although the notice was not given to them) they disturb or remove an item or computer equipment in contravention of the terms of the notice.

(13) O must not exercise the powers under this regulation except on the production, if so required, of a duly authenticated document showing their authority.

(14) In this regulation “premises” includes any place and any vehicle, trailer, stall or moveable structure.

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (Wales) Regulations 2010, Section 20.