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WELSH STATUTORY INSTRUMENTS

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**2024 No. 753**

**The Bovine Viral Diarrhoea (Wales) Order 2024**

**PART 7**

**Enforcement**

**Enforcement**

**45.**—(1) Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to any particular case or class of case, that they will enforce this Order instead of the local authority.

**Powers of entry**

**46.**—(1) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises (except premises used wholly as a private dwelling) at any reasonable hour for the purpose of enforcing this Order.

(2) A justice of the peace may issue a warrant to permit an inspector to enter any premises, including a private dwelling, by reasonable force if necessary, if satisfied on sworn information in writing, that—

- (a) there are reasonable grounds to enter those premises for the purposes of enforcing this Order, and
- (b) any of the conditions in paragraph (3) are met.

(3) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of intention to apply for a warrant has been given to the occupier,
- (b) asking for admission to the premises, or giving such notice, would defeat the object of entry,
- (c) entry is required urgently, or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(4) A warrant may be granted for a period of up to 3 months.

(5) An inspector entering premises which are unoccupied or from which the occupier is temporarily absent must leave the premises as effectively secured against unauthorised entry as they were before entry.

**Powers of inspectors**

**47.**—(1) An inspector entering premises may for the purposes of enforcing this Order—

- (a) inspect any animal or article there;
- (b) take samples;

- (c) carry out any inquiries, examinations or tests;
  - (d) access, inspect and copy any relevant documents or records (in whatever form they are held), and remove them to enable them to be copied;
  - (e) inspect and check the operation of, and data on, any computer and any associated apparatus or material that is or has been in use in connection with the records.
- (2) Where an inspector has entered premises and it is not reasonably practicable to determine whether documents or records on those premises are relevant, the inspector may seize them to ascertain whether they are relevant or not.
- (3) The inspector may—
- (a) take any necessary equipment or vehicle on to the premises;
  - (b) be accompanied by such other persons as the inspector considers necessary.

### **Offences by bodies corporate**

**48.**—(1) If an offence against the Act is committed by a body corporate, and is shown to have been committed with the consent or connivance of an officer, or to be attributable to the neglect of such officer, that 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 a member in connection with functions of management as if that person were a director of the body.

(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.