



# Red Meat Industry (Wales) Measure 2010

## 2010 nawm 3

### 11 Powers of entry

- (1) A justice of the peace may, if satisfied on the application of an appointed person that the requirements set out in subsections (2) and (3) are met, issue a warrant authorising that person—
  - (a) to enter land or premises (using reasonable force if necessary), and
  - (b) to search that land or those premises.
- (2) The first requirement is that there are reasonable grounds for believing that entry to the land or premises is necessary to ascertain whether—
  - (a) the information provided in any return is accurate,
  - (b) the number of animals upon which any levy has been based is accurate,
  - (c) the levy due under this Measure has been paid, or
  - (d) an offence under this Measure has been or is being committed.
- (3) The second requirement is—
  - (a) that entry to the land or premises has been sought and either has been refused or has not been possible, or
  - (b) that, if entry (without a warrant) to the land or premises were sought, any information, document or other item would be removed, tampered with, concealed or destroyed.
- (4) The right conferred by a warrant under this section includes power to—
  - (a) enter premises used only as a dwelling-house if the appointed person has reasonable cause to believe that the premises are—
    - (i) occupied by a person liable to pay a levy under this Measure,
    - (ii) in the possession of such a person,
    - (iii) occupied by any employee, agent, contractor or tenant of a person liable to pay a levy, or
    - (iv) in the possession of such a person;
  - (b) have access to and inspect any documents or records (in whatever form they are held) which are on the land or premises and are kept for purposes connected with any duties or obligations arising under this Measure;

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*Status: This is the original version (as it was originally enacted).*

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- (c) inspect any animals on the land or premises;
  - (d) copy any documents or records mentioned in paragraph (b), or to remove those documents or records in order to enable them to be copied;
  - (e) remove anything which the appointed person reasonably believes to be evidence of any failure to comply with any requirements under this Measure;
  - (f) require any person liable to pay a levy under this Measure to produce any document, records or information, and to provide any facilities or other assistance as the appointed person may reasonably request.
- (5) Entry and search under a warrant under this section must be at a reasonable hour and within one month of the date of its issue.
- (6) The appointed person may—
- (a) be accompanied by any other person as the appointed person considers necessary;
  - (b) require a person holding or accountable for any document to give any information or explanation as the appointed person thinks necessary; and
  - (c) require that person to attend before the appointed person to give the information or explanation or to produce the document.
- (7) In relation to a document kept in electronic form, the power in subsection (4)(f) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.
- (8) In connection with inspecting such a document, an appointed person—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the appointed person considers is or has been used in connection with the document;
  - (b) may require a person within subsection (9) to afford the appointed person such reasonable assistance as the appointed person may require for that purpose.
- (9) The persons within this subsection are—
- (a) any person by whom or on whose behalf the computer is or has been used; and
  - (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (10) An appointed person must, if so required, produce—
- (a) the warrant, and
  - (b) documentation which identifies the appointed person as a person authorised to impose requirements under this section.
- (11) If an appointed person enters any unoccupied land or premises, the appointed person must—
- (a) leave that land or those premises as effectively secured against unauthorised entry as the appointed person found them, and
  - (b) leave a copy of the warrant in a prominent place on the land or premises.
- (12) A person who without reasonable excuse obstructs the exercise of any power conferred by this section or fails to comply with a requirement of an appointed person under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (13) Any expenses incurred by an appointed person in proceedings for an offence under subsection (12) are, so far as not recoverable from any other source, recoverable from the person who committed the offence.