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WELSH STATUTORY INSTRUMENTS

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**2014 No. 951**

The Welfare of Animals at the Time  
of Killing (Wales) Regulations 2014

PART 6

Enforcement

**Inspectors**

**34.** The competent authority or a local authority may appoint inspectors for the purpose of enforcing the EU Regulation and these Regulations.

**Power to enter premises**

**35.**—(1) An inspector may, on giving reasonable notice, enter any premises at a reasonable hour for the purpose of executing or enforcing the EU Regulation and these Regulations, and in this Part, “premises” (“*mangre*”) includes any land, building, shed, pen, receptacle or vehicle of any description.

(2) The requirement to give notice does not apply—

- (a) where the requirement has been waived by the occupier;
- (b) where reasonable efforts to agree an appointment have failed;
- (c) where an inspector has reasonable suspicion of a failure to comply with the EU Regulation or these Regulations;
- (d) where an inspector reasonably believes that giving notice would defeat the object of the entry; or
- (e) in an emergency where entry is required urgently.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling house unless a right of entry is conferred by a warrant granted under regulation 36.

(4) An inspector must, if requested to do so, produce a duly authenticated authorisation document.

(5) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

(6) An inspector may be accompanied by—

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

**Warrants**

**36.**—(1) A justice of the peace may, by signed warrant, permit an inspector to enter premises, if necessary by reasonable force, if satisfied, on sworn information in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the EU Regulation or these Regulations; and
  - (b) that any of the conditions in paragraph (2) are met.
- (2) The conditions are—
- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
  - (b) asking for entry to the premises, or giving such a notice, would defeat the object of the entry;
  - (c) entry is required urgently; or
  - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant under this regulation is valid for three months.

### **Power to inspect and seize**

**37.**—(1) An inspector who has entered premises for the purposes of executing and enforcing the EU Regulation or these Regulations may for those purposes—

- (a) carry out any examination, investigation or test;
  - (b) make any enquiries, observe any operation or process, and take recordings or photographs;
  - (c) inspect and search the premises;
  - (d) take samples (and send them for laboratory testing) from any animal, carcase or part of a carcase;
  - (e) seize and detain any carcase or part of a carcase for further examining, investigating or testing;
  - (f) seize and detain any equipment or instrument for further examining, investigating or testing;
  - (g) have access to, inspect and check the data on, and operation of, any computer and any associated equipment;
  - (h) seize any computers and associated equipment for the purpose of copying data, but only if the inspector has a reasonable suspicion that an offence under these Regulations has been committed, and provided that they are returned as soon as practicable;
  - (i) require the production of any document or record and inspect and take a copy of or extract from such document or record; and
  - (j) require any person to provide such assistance, information, facilities or equipment as is reasonable.
- (2) An inspector must—
- (a) as soon as reasonably practicable, provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1) a written receipt identifying those items; and
  - (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them, apart from those to be used as evidence in court proceedings.
- (3) Where an inspector has seized items under paragraph (1) for use in evidence in court proceedings and—
- (a) it is subsequently decided—
    - (i) that no court proceedings are to be brought; or
    - (ii) that those items are no longer needed as evidence in court proceedings; or

(b) the court proceedings are completed and no order in relation to those items has been made by the court,  
an inspector must return the items as soon as is reasonably practicable.

### **Enforcement notices**

**38.**—(1) An enforcement notice is a notice in writing—

- (a) requiring a person to take specified steps to remedy a contravention of the EU Regulation or these Regulations;
- (b) requiring a person to reduce the rate of operation to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations; or
- (c) prohibiting a person from carrying on an activity, process or operation, or using facilities or equipment, specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations.

(2) An inspector who is of the opinion that a person has contravened or is contravening the EU Regulation or these Regulations may serve on that person an enforcement notice.

(3) An enforcement notice must—

- (a) state that the inspector is of that opinion;
- (b) state the date and time of service of the notice;
- (c) identify the recipient of the notice;
- (d) specify the matters constituting the contravention;
- (e) specify the steps that must be taken to remedy the contravention;
- (f) specify the period within which those steps must be taken; and
- (g) give details of the right of appeal against the notice.

(4) A person on whom an enforcement notice is served must comply with it at that person's own expense.

(5) If an enforcement notice is not complied with, the inspector may arrange for it to be complied with at the expense of the person on whom it was served.

(6) An inspector must serve a completion notice if, after service of the enforcement notice, the inspector is satisfied that the person has taken the steps specified in the notice to remedy the contravention.

(7) In the event of an inspector not being satisfied as provided for in paragraph (6), the inspector may, by notice in writing, refuse to serve a completion notice and the notice must—

- (a) give reasons for the refusal; and
- (b) give details for the right of appeal against the decision.

(8) An enforcement notice ceases to have effect on the issue of a completion notice.

(9) An inspector may at any time withdraw or vary an enforcement notice in writing.

### **Appeals against enforcement notices**

**39.**—(1) A person who is aggrieved by—

- (a) a decision of an inspector to serve an enforcement notice; or
- (b) a decision of an inspector to refuse to issue a completion notice,

may appeal against it.

- (2) The right of appeal is to the First-tier Tribunal.
- (3) An enforcement notice is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.
- (4) On appeal the First-tier Tribunal may either cancel or confirm the enforcement notice, with or without modification, or make such order as it thinks fit as regards refusal to serve a completion notice.

### **Power of local authority to prosecute**

- 40.** A local authority may prosecute any offence under these Regulations.

### **Time limit for prosecutions**

**41.**—(1) Notwithstanding section 127(1) of the Magistrates' Courts Act 1980<sup>(1)</sup>, a magistrates' court may try any information relating to an offence under these Regulations if the information is laid—

- (a) before the end of the period of three years beginning with the date of the commission of the offence; and
  - (b) before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge.
- (2) For the purposes of paragraph (1)(b)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and
  - (b) a certificate stating that matter and purporting to be so signed is treated as so signed unless the contrary is proved.

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(1) 1980 c.43.