
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 563

The Bovine Products (Despatch to Other Member States) Regulations (Northern Ireland) 1996

Powers of inspectors

5.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any establishment approved for the purposes of regulation 3 in order to ascertain whether the requirements of that regulation are being satisfied in that establishment.

(3) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these regulations and in particular may—

- (a) carry out inspections of any place from which material derived from bovine animals is consigned to an approved establishment;
- (b) carry out inspections of anything used for the marking and identification of any products or other materials;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from any product or other material;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations;
- (e) take with him any person he deems necessary to carry out the necessary checks and examinations; and
- (f) take with him a representative of the European Commission acting for the purposes of Council Decision [96/239/EC](#)(1).

(4) Where an inspector has reasonable suspicion that a consignment of any relevant goods is falsely described in a health certificate issued under regulation 3, he may direct the person in control of the certificate to deliver it and any copies of it to him on demand and may—

- (a) give notice that, until the notice is withdrawn, the consignment or any part of it specified in the notice may not—
 - (i) be removed; or
 - (ii) be removed except to some place specified in the notice; or
- (b) seize the consignment or any part of it and remove it in order to have it dealt with by a justice of the peace.

(1) O.J. No. L78, 28.3.96, p. 47. Council Decision [96/239/EEC](#) was amended by Council Decision [96/362/EEC](#). O.J. No. L139, 12.6.96, p. 17

(5) Where any direction or notice is given to a person under paragraph (4), that person shall comply with that direction or notice, as the case may be.

(6) Where the inspector exercises the powers conferred by paragraph (4), he shall as soon as is reasonably practicable, and in any event within 21 days, satisfy himself whether the consignment is or is not falsely described and—

- (a) if he is not satisfied that it is falsely described, he shall return the health certificate which has been delivered to him, withdraw any notice given pursuant to paragraph (4)(a) relating to the consignment and return anything he has seized; or
- (b) if he is satisfied that it is falsely described, he shall inform the person in charge of the consignment of his intention to have it dealt with by a justice of the peace.

(7) Any person who may be liable for prosecution under these Regulations in respect of the consignment which is intended to be dealt with before a justice of the peace shall be entitled to attend before that justice of the peace and to call witnesses.

(8) If it appears to a justice of the peace, on the basis of such evidence as he considers to be appropriate in the circumstances, that a consignment is falsely described, he shall—

- (a) order that consignment to be destroyed and any expenses reasonably incurred in connection with such destruction be defrayed by the owner of the consignment; or
- (b) if he is satisfied that, the owner of the consignment will not despatch it to a member State, return it to that owner.

(9) If a notice under paragraph 4(a) is withdrawn or anything seized is returned in accordance with paragraph (6), or if a justice of the peace acting under paragraph (8) does not find a consignment to be falsely described, the Department shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.

(10) Any disputed question as to the right or to the amount of any compensation payable under paragraph (7) shall be determined by arbitration.