
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 129

**The Aquatic Animal Health
Regulations (Northern Ireland) 2009**

PART 5

ENFORCEMENT AND APPEALS

Powers of inspectors

38.—(1) Where an inspector enters any premises under regulation 37, the inspector shall have powers to carry out all checks and examinations necessary for the purposes mentioned in regulation 37(1) and, in particular, may—

- (a) inspect any part of the premises or any equipment on the premises;
- (b) search for or examine any aquatic animal, aquaculture product, water or any thing on the premises;
- (c) take samples of or from any aquatic animal, aquaculture product or water on the premises and, if necessary, send the samples for laboratory testing;
- (d) carry out such other inquiries, investigations, examinations or tests as may be necessary;
- (e) seize, detain or remove—
 - (i) any aquatic animal or any part of such animal;
 - (ii) any aquaculture product;
 - (iii) any container or receptacle in which aquatic animals are kept;
 - (iv) any thing on the premises liable to transmit disease,and dispose of them as the Department thinks fit;
- (f) require any person to afford the inspector such facilities and assistance or do any thing with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred on the inspector by this regulation;
- (g) require any person to produce any document or record that is in that person's control or possession;
- (h) require any appropriate or responsible person to render any such document or record on a computer system into a visible and legible form, including requiring it to be produced in a form in which it may be taken away;
- (i) for the purpose of determining whether these Regulations are being complied with, have access to, inspect and take copies of or extracts from any document or record (in whatever form it is held) produced to the inspector or found on the premises or remove such document or record to enable it to be copied; and

- (j) if the inspector has reason to suspect that an offence has been committed under these Regulations, seize, detain or remove any document or record produced to the inspector or found on the premises for the purpose of enabling the document or record to be used as evidence in proceedings for the offence.
- (2) If, in the opinion of the inspector, it is not for the time being practicable for the inspector to seize and remove any thing, the inspector may require any appropriate or responsible person on the premises to secure that the thing is not removed or otherwise interfered with until such time as the inspector may seize and remove it.
- (3) It is an offence for a person to fail to comply with any requirement imposed under paragraph (2).