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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 216**

**The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000**

**PART V**

**GENERAL**

**Outbreaks of disease in other states**

**27.**—(1) This regulation shall apply where the Scottish Ministers learn of or have reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#)(1) or Article 18 of Council Directive [91/496/EEC](#), or through any other means, the presence in any other state of a disease referred to in Schedule 4, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1) above, the Scottish Ministers may, for the purpose of preventing the introduction or spreading of disease into or within Scotland, by a declaration to be published in such manner as they think fit, give notice of the existence in another state of any disease or zoonosis or other cause likely to constitute a serious hazard, the area subject to the outbreak, and the types of animal or animal product affected.

(3) Upon such declaration being made, the entry into Scotland of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it satisfies such conditions as may be specified in the declaration.

(4) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

**Notification of decisions**

**28.** If the consignor or his representative, or the importer or his representative, so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to him in writing by the person taking the decision, giving the reasons for the decision and the details of his right of appeal against the decision, including the relevant time limits.

**Powers of inspectors**

**29.**—(1) Subject to regulation 10 above, 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; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

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(1) O.J. No. L 224, 18.8.90, p.29 as read with the provisions listed in Schedule 1.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Council Directive [90/425/EEC](#) and Council Directive [91/496/EEC](#), and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the Directives or other measures listed in Part I of Schedule 3 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from—
  - (i) animals held with a view to being sold, put on the market or transported;
  - (ii) products held with a view to being stored or sold, put on the market or transported;
  - (iii) animals or animal products being transported in the course of intra-Community trade;
  - (iv) animals at a border inspection post in the case of third country imports; or
  - (v) animals or animal products at the place of destination in the case of an import from another member State;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

### **Recovery of expenses**

**30.** The consignor, his representative and the person in charge of any animals or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to those animals or animal products.

### **Obstruction**

**31.—**(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences by bodies corporate**

**32.—**(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be deemed to be guilty of that offence and be liable to be proceeded against and punished accordingly.

### **Penalties**

**33.**—(1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 31(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Disapplication of provisions**

**34.** The provisions of the legislation listed in Schedule 6 shall not apply to imports from another member State of animals and animal products to which a Directive or other measure referred to in Part I of Schedule 3 applies, or to imports of an animal to which a Directive or other measure referred to in Schedule 5 applies from the country subject to that Directive or other measure, to the extent specified in column 3 of Schedule 6.

### **Revocations**

**35.** The Animals and Animal Products (Import and Export) Regulations 1998(2) are revoked.