
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 231

The BSE Monitoring (Scotland) Regulations 2001

Powers of entry, examination, search and sampling etc.

4.—(1) An inspector may at all reasonable hours and on producing, if so required, a duly authenticated document showing that person's authority, enter any premises—

- (a) for the purpose of ascertaining whether any notifiable bovine animal is being or has been kept on the premises; or
- (b) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations.

(2) If a sheriff or justice of the peace, on sworn information in writing—

- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as is mentioned in paragraph (1) above; and
- (b) is satisfied either that—
 - (i) admission to the premises has been or is likely to be refused, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (ii) an application for admission, or the giving of such a notice, would defeat the object of the entry or that the case is one of urgency or that the premises are unoccupied or the occupier temporarily absent,

the sheriff or justice of the peace may by signed warrant authorise an inspector to enter the premises, if need be by using reasonable force.

(3) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it, may be accompanied by such other persons as that inspector considers necessary, and on leaving any unoccupied premises which the inspector has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as that inspector found them.

(4) An inspector may—

- (a) inspect and examine any bovine animal or the carcase of any bovine animal which is present on the premises;
- (b) make such tests in relation to, and take such samples from, any bovine animal or the carcase of any bovine animal which is present on the premises as that inspector considers necessary for the purposes of these Regulations;
- (c) mark for identification purposes any bovine animal or the carcase of any bovine animal which is present on the premises;
- (d) examine any relevant record, in whatever form on the premises and take copies of those records;
- (e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any records, and require any person having charge of, or who is otherwise concerned with the operation of the computer, apparatus or material to afford the inspector such assistance as may reasonably be required;

- (f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;
- (g) be accompanied by a representative of the European Commission acting for any purposes in relation to the Commission Decisions.