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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 255**

**The TSE (Scotland) Regulations 2002**

**Part III**

**Animal feeding**

*Administration and enforcement*

**Powers of inspectors**

**28.**—(1) An inspector may make such enquiries and carry out such investigations as considered necessary for any purpose connected with the administration or enforcement of the provisions of this Part of these Regulations.

(2) For such purposes, an inspector shall, on producing, if required to do so, some duly authenticated document showing the authority of that inspector, have the right at all reasonable hours to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
  - (i) TSE susceptible animal; or
  - (ii) any mammalian meat and bone meal or processed animal protein, or any feed or feedingstuff,is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
  - (i) any mammalian meat and bone meal or processed animal protein;
  - (ii) any feedingstuff;
  - (iii) any production, storage, transport or other operation carried out under this Part of these Regulations and anything used for the marking and identification of any mammalian meat and bone meal or processed animal protein or feedingstuff; or
  - (iv) the carcase of TSE susceptible animal;
- (e) make such tests and take such samples from any mammalian meat and bone meal, processed animal protein or feedingstuff, or TSE susceptible animal, or the carcase of such an animal, as that inspector considers necessary;

- (f) mark for identification purposes any mammalian meat and bone meal, processed animal protein or feedingstuff, or TSE susceptible animal, or the carcass of such an animal;
- (g) serve a notice to restrict or prohibit the movement of any mammalian meat and bone meal, processed animal protein or feedingstuff, TSE susceptible animal or the carcass of such an animal;
- (h) serve a notice under regulation 29(2) or (3) below or carry out or cause to be carried out the requirements of such a notice in terms of regulation 29(4) below;
- (i) seize any mammalian meat and bone meal or processed animal protein or feedingstuff, TSE susceptible animal or the carcass of such an animal;
- (j) serve any notice in connection with such seizure;
- (k) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;
- (l) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (m) examine any record, in whatever form the record may be held, and take copies of the record;
- (n) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to that inspector such assistance as that inspector may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
- (o) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.

(4) If a sheriff or justice of the peace, on sworn information in writing is satisfied that there are reasonable grounds for entry into any premises for any purpose as is mentioned in paragraph (2) above and that either—

- (a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) 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 issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and the employees of the occupier and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, or any animal or carcass, which is or has been on the premises, shall—

- (a) provide such reasonable facilities to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
- (b) if required by an inspector, give such information as the occupier possesses as to—
  - (i) any mammalian meat and bone meal or processed animal protein, or any animal or carcass which is or has been on the premises;

- (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises may have come into contact; and
  - (iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been in the possession or charge of the occupier.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may be accompanied by–
- (a) such other person as the inspector considers necessary to give such assistance as that inspector considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.
- (7) If an inspector enters any unoccupied premises, that inspector shall leave them as effectively secured against unauthorised entry as that inspector found them.
- (8) Any notice under this regulation shall be complied with at the expense of the person on whom the notice is served.
- (9) If a notice under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.