
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part II

TSE Monitoring

TSE monitoring

4.—(1) An inspector may make such enquiries and carry out such investigations as that inspector considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring under Article 6 of the Community TSE Regulation.

(2) For any such purpose 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 TSE susceptible animal 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 that purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of such an animal;
- (e) take such samples from, and make such tests in relation to, any TSE susceptible animal, or the carcase of such an animal, as that inspector considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcase of such an animal, or administer or otherwise attach an electronic identification device to any TSE susceptible animal;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
- (h) seize any TSE susceptible animal or the carcase of such an animal;
- (i) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (j) slaughter any TSE susceptible animal;
- (k) examine any record, in whatever form the record may be held, and take copies of the record;
- (l) 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 the inspector 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; and

- (m) 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 to a TSE susceptible animal or the carcass of such an animal under paragraph (2)(f) above and no person except a veterinary inspector or an OVS shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that sub-paragraph.

(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 such 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 by signed warrant authorise an inspector to enter the premises, if need be by using 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 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 the annual programme of monitoring referred to in article 6 of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as that occupier possesses as to—
 - (i) any animal or carcass which is or has been on the premises;
 - (ii) any other animal or carcass with which any animal or carcass which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcass 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 that 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.