
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part IV

Specified Risk Material

Administration and enforcement

Powers of inspectors

70.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing the authority of the 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 specified risk material,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) specified risk material; or
 - (ii) the carcase of TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any—
 - (i) TSE susceptible animal;
 - (ii) carcase of such an animal;
 - (iii) specified risk material or any other material appearing to that inspector to be derived from an animal;
 - (iv) food or feedingstuff;
 - (v) cosmetic, pharmaceutical or medical product,as that inspector considers necessary;
- (f) mark for identification purposes any specified risk material or TSE susceptible animal, or the carcase of such an animal;

- (g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any such animal or in possession of any specified risk material, a notice—
 - (i) to restrict or prohibit the movement of the TSE susceptible animal, carcase or specified risk material; or
 - (ii) in respect of any such carcase or specified risk material, to require the person to dispose of the carcase or specified risk material in the manner and period specified in the notice;
 - (h) seize any specified risk material, TSE susceptible animal or the carcase of such an animal;
 - (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection ;
 - (j) serve any notice—
 - (i) in connection with the seizure any specified risk material, TSE susceptible animal or the carcase of such an animal; or
 - (ii) under regulation 69 above;
 - (k) inspect—
 - (i) the premises; or
 - (ii) any equipment at the premises;
 - (l) inspect any facility, operation or procedure at the premises, including—
 - (i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or
 - (ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;
 - (m) serve any licence, suspension of a licence, withdrawal of a licence or revocation of a licence under this Part of these Regulations;
 - (n) serve any direction under regulation 72 below;
 - (o) examine any record, in whatever form the record may be held, and take copies of the record;
 - (p) 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
 - (q) 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.
- (2) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (1)(f) above.
- (3) 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 refused or a refusal is apprehended, 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.

(4) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and the employees of that 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 carcase, 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 that occupier possesses as to—
 - (i) any mammalian meat and bone meal or processed animal protein, or any animal or carcase 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.

(5) 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.

(6) If an inspector enters any unoccupied premises, that inspector shall leave them as effectively secured against unauthorised entry as that inspector found them.