
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part VI

Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation

Measures to administer and enforce Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation

86.—(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 Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

(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 animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, is being or has been kept on the premises;
- (b) collect, pen, inspect and examine any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with any TSE or a BSE-confirmed ovine or caprine animal, and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (c) inspect and examine and take such samples and make such tests as that inspector considers necessary from any—
 - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
 - (iv) carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (d) mark for identification purposes, or administer or otherwise attach an electronic identification device to, any—
 - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;

- (iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
 - (iv) carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
 - (e) serve a notice to restrict or prohibit the movement, or issue a licence in connection with the movement, of–
 - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
 - (iv) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
 - (f) seize or dispose of–
 - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (ii) any animal of first generation progeny of, or semen, embryos, ova or blood derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
 - (iv) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
 - (g) serve any notice in connection with the slaughter of, or slaughter–
 - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; or
 - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
 - (h) give a direction under regulation 90 below;
 - (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
 - (j) examine any record, in whatever form the record may be held, and take copies of the record;
 - (k) 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
 - (l) 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 any animal or carcase under paragraph (2)(d) above and no person except a veterinary inspector

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—
- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as is mentioned in paragraph (2) 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.

(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 that occupier and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation; and
- (b) if required by an inspector, give such information as that occupier possesses as to—
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact;
 - (iii) any semen, embryos or ova derived from any female bovine animal infected with TSE or a BSE-confirmed ovine or caprine animal; and
 - (iv) the location and movement of any animal or carcase, or any semen, embryos or ova derived from female bovine animals infected with a TSE or BSE-confirmed ovine or caprine animal, which is or has been in the possession or charge of that person.

(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.