

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2006 No. 337**

**The Avian Influenza (Slaughter and  
Vaccination) (Scotland) Regulations 2006**

**Vaccination**

**Enforcement and offences**

**26.**—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 60 (duties and authorities of constables);
- (b) section 64 (powers of inspectors as to poultry);
- (c) section 66 (refusal and obstruction);
- (d) section 67 (issue of false licences etc.);
- (e) section 68 (issue of licences etc. in blank);
- (f) section 70 (alteration of licences etc.);
- (g) section 71 (other offences as to licences);
- (h) section 73 (general offences), but no contravention of, or failure to comply with, a provision of these Regulations by the Scottish Ministers, a local authority, a veterinary inspector or an inspector shall constitute a contravention for the purposes of that section;
- (i) section 77 (money recoverable summarily); and
- (j) section 79(1) to (4) (evidence and procedure),

and as if the definition of poultry in section 87 of the Act was extended to include all birds.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences granted under these Regulations were granted under an Order made under the Act.

(3) A person who, by virtue of these Regulations is guilty of an offence under the Act, is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

(4) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.

(6) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(7) “Body corporate” includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

(8) Subject to paragraph (9), these Regulations shall be enforced by the local authority.

(9) The Scottish Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under paragraph (8) shall be discharged by the Scottish Ministers and not by the local authority.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, Section 26.