

SCHEDULE 8

Regulation 18(2)

Powers of inspectors

Powers of entry etc.

1.—(1) An inspector may, on producing a duly authenticated authorisation if so required, enter any premises in Scotland of a supplier, at any reasonable time, if the inspector reasonably suspects that any activity to which these Regulations apply is being carried out on those premises, for the purposes of ascertaining whether there is, or has been, any contravention of these Regulations.

(2) An inspector entering premises under sub-paragraph (1) may—

- (a) be accompanied by—
 - (i) such other persons as the inspector considers necessary; and
 - (ii) any representative of the European Commission acting for the purpose of the enforcement of a European Union obligation;
- (b) take onto those premises any equipment or materials that the inspector considers necessary for the enforcement of these Regulations;
- (c) open any container;
- (d) carry out any searches, inspections, measurements and tests;
- (e) take samples;
- (f) have access to, and inspect, any books, documents or records (in whatever form they are held) relating to these Regulations and remove them to enable them to be copied;
- (g) photograph or copy anything, the production of which the inspector has the power to require under head (f);
- (h) photograph anything which the inspector has reasonable cause to believe may be relevant in connection with the enforcement of these Regulations; and
- (i) seize any computers and associated equipment for the purpose of copying documents, provided that they are returned as soon as practicable.

(3) Any person who accompanies an inspector in accordance with this paragraph may perform any of the inspector's functions but only under the supervision of that inspector.

Information notice

2. An inspector may, by notice served on any person, require that person to provide such information as is specified in the notice in such form and within such period following service of the notice or at such time as is so specified (in this schedule, "an information notice").

Prohibition on movement

3. An inspector may, by notice served on any person, prohibit that person from moving plant material from any premises if the inspector has reasonable grounds to suspect that the plant material fails to comply with a requirement to which it is subject by virtue of schedule 2, 3 or 5 (in this schedule, "a movement notice").

Enforcement and prohibition notices

4.—(1) An inspector may serve a notice on any person who contravenes, or who the inspector has reasonable grounds to suspect may contravene, these Regulations—

Status: This is the original version (as it was originally made).

- (a) requiring that person to act in accordance with the Regulations (in this schedule, an “enforcement notice”); or
 - (b) prohibiting that person from acting in breach of the Regulations (in this schedule, a “prohibition notice”).
- (2) The notice must give reasons for serving it and, if appropriate, specify what action must be taken and specify the time limit for taking any such action.

Appeals against enforcement and prohibition notices

- 5.—(1) Any person who is aggrieved by a decision of an inspector to serve a notice under this schedule may appeal by application to the sheriff.
- (2) The period within which an appeal must be brought is 28 days from the service of the notice or, in the case of an enforcement notice, the period specified in the notice, whichever ends earlier.
- (3) A notice served under this schedule must state—
- (a) the right of appeal to the sheriff by the person on whom the notice is served; and
 - (b) the period in which such an appeal may be brought.
- (4) On an appeal under this paragraph, the sheriff may either cancel or affirm the notice and, if the sheriff affirms the notice, the sheriff may do so either in its original form or with such modifications as the sheriff thinks fit.

Compliance with notices

- 6.—(1) A notice served under this schedule must be complied with at the expense of the person on whom it is served and, if it is not complied with, an inspector may make arrangements to secure compliance with the notice.
- (2) Where an inspector makes arrangements pursuant to sub-paragraph (1), the Scottish Ministers may recover all reasonable expenses in connection with the arrangements as a debt from the person on whom the notice was served.