
WELSH STATUTORY INSTRUMENTS

2005 No. 1162

**The Potatoes Originating in the Netherlands
(Notification) (Wales) Order 2005**

Powers of an inspector

4.—(1) The provisions of this article are to apply without prejudice to the exercise, by an inspector, of the powers conferred upon him or her by the principal Order.

(2) If an inspector knows or has reasonable grounds for suspecting that any relevant potatoes are likely to be, or have been, landed in Wales in contravention of article 3(1), he or she may—

- (a) for the purpose of checking compliance with the principal Order; or
- (b) for the purpose of exercising any of his or her powers under paragraph (4),

and on production of his or her authority to act if so required, take the steps in paragraph (3).

(3) The steps referred to in paragraph (2) are—

- (a) to require any person, including any person in charge of the vessel, aircraft, vehicle, hovercraft or freight container from which the potatoes are likely to be landed or have been landed, to move the relevant potatoes or suspected relevant potatoes to any premises;
- (b) to prohibit any such person from moving, treating or destroying the relevant potatoes or suspected relevant potatoes or any container or package.

(4) For the purpose of checking compliance with this Order, an inspector may, on production of his or her authority to act if so required, and at all reasonable times, enter any premises, other than premises used wholly or mainly as a dwelling, and—

- (a) examine, photograph or mark any part of the premises or any object on the premises, including any potatoes;
- (b) take samples of, or from, any potatoes or any container or package; and
- (c) inspect, make copies of, or for the purpose of making copies, remove any documents or records (in whatever form they may be held) relating to the production of or trade in any potatoes.

(5) An inspector may, for the purpose of exercising any of his or her powers under paragraph (4), open, or authorise any person to open on his or her behalf, any container or package or require the owner or any person in charge of any container or package to open it, in such manner as the inspector may specify.

(6) Where any such document or record as is mentioned in paragraph (4)(c) is kept by means of a computer, an inspector may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the document or record; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him or her such assistance as he or she may reasonably require.