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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3051**

**The Bovine Products (Restriction on Placing  
on the Market) (Wales) Regulations 2005**

**Inspection and seizure of suspected products**

5.—(1) An authorised officer of the relevant enforcement authority may at all reasonable times inspect any product that has been placed on the market and paragraphs (2) to (7) will apply where, on such an inspection or for any other reasonable cause, it appears to the authorised officer that any person has failed to comply with regulation 3 in relation to any product.

(2) The authorised officer may either—

(a) give notice to the person in charge of the product that, until the notice is withdrawn, the product or any specified portion of it—

(i) is not to be further placed on the market for use in human food, animal feed or fertilisers, and

(ii) either is not to be removed or is not to be removed except to some place specified in the notice; or

(b) seize the product and remove it in order to have it dealt with by a justice of the peace.

(3) Where the authorised officer exercises the power conferred by paragraph (2)(a), that officer must, as soon as is reasonably practicable and in any event within 21 days, determine whether or not he or she is satisfied that regulation 3 has been complied with in relation to the product and—

(a) if so satisfied, forthwith withdraw the notice; and

(b) if not so satisfied, seize the product and remove it in order to have it dealt with by a justice of the peace.

(4) Where an authorised officer exercises the power conferred by paragraph (2)(b) or (3)(b), he or she must inform the person in charge of the product of his or her intention to have it dealt with by a justice of the peace and—

(a) any person who under regulation 3 might be liable to a prosecution in respect of the product will, if that person attends before the justice of the peace by whom the product falls to be dealt with, be entitled to be heard and to call witnesses; and

(b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under that section in relation to that product.

(5) If it appears to a justice of the peace, on the basis of such evidence as he or she considers appropriate in the circumstances, that there has been a failure to comply with regulation 3 in relation to any product falling to be dealt with by him or her under this regulation, he or she must condemn the product and order—

(a) the product to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and

(b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the product.

(6) If a notice under paragraph (2)(a) is withdrawn, or the justice of the peace by whom any product falls to be dealt with under this regulation refuses to condemn it, the relevant enforcement authority must compensate the owner of the product for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) must be determined by arbitration.