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WELSH STATUTORY INSTRUMENTS

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**2007 No. 3296**

**The Export and Movement Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007**

**PART 3**

Administration and enforcement

**Approvals**

**17.**—(1) The Welsh Ministers or a local authority may approve establishments, slaughterhouses or cutting plants for the purposes of these Regulations if satisfied that the occupier will comply with the conditions of these Regulations.

(2) Any approval must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time, and in particular may be suspended or revoked if the Welsh Ministers (or in the case of an approval granted by the local authority, that local authority) are reasonably of the opinion that the provisions of these Regulations or any conditions of approval are not being complied with.

**Licences**

**18.**—(1) A veterinary inspector, or inspector acting under the direction of a veterinary inspector, may—

- (a) grant a licence; and
- (b) amend, suspend or revoke a licence in writing at any time.

(2) The licence—

- (a) must be in writing;
- (b) may be general or specific; and
- (c) may be made subject to such conditions as the veterinary inspector considers necessary to prevent the spread of foot-and-mouth disease.

(3) A person moving any animal under a specific licence granted under these Regulations must—

- (a) keep the licence or a copy of it with them at all times during the licensed movement;
- (b) on demand by an inspector or veterinary inspector:
  - (i) produce the licence, or copy;
  - (ii) allow a copy or extract of the licence to be taken; or
  - (iii) provide their name or address.

(4) A person moving any animal under a general licence granted under these Regulations must—

- (a) keep with them at all times during the licensed movement, a consignment note that contains details of—
  - (i) the type, and numbers, of animals being moved;

- (ii) the date of the movement;
- (iii) the name of the consignor;
- (iv) the address of the premises from which the movement started;
- (v) the name of the consignee; and
- (vi) the address of the premises of destination; and
- (b) on demand by an inspector or veterinary inspector—
  - (i) produce the consignment note and allow a copy or extract to be taken; and
  - (ii) provide their name and address.

(5) Licences granted in England or Scotland for activities that can be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations, but an inspector acting under the direction of the Welsh Ministers may serve a notice on any person moving any animal under such a licence, directing him or her to move it to or keep it on premises specified in the notice or move it out of Wales.

### Notices

**19.**—(1) A veterinary inspector, or inspector, may serve any notice issued under the Regulations on—

- (a) the owner or keeper of an animal; or
  - (b) the person in control of an animal, carcase or any part of an animal.
- (2) The notice must:
- (a) be in writing and may be amended or revoked, by further notice at any time; and
  - (b) specify how it must be complied with.

### Powers of inspectors

**20.**—(1) An inspector may, at all reasonable hours enter any place, land, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) Where an inspector enters any of the places specified in paragraph (1), that inspector must produce a duly authenticated document showing the inspector's authority, if required to do so.

(3) An inspector may by notice, or as a condition of a licence, require the cleansing and disinfection of premises, vehicles, equipment, or any other thing that may spread foot-and-mouth disease.

- (4) An inspector may—
- (a) require the detention or isolation in a specified place of any animal by serving a notice requiring such action on the occupier of the premises where it is present, or its keeper; and
  - (b) mark, or cause to be marked, for identification purposes any animal, carcase or thing.

(5) A veterinary inspector may inspect, or take samples from, any animal, carcase or thing.

(6) An inspector may carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) by notice on the person they consider to be appropriate, detain any vehicle, vessel, container or anything which they reasonably suspect to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;

- (b) search any premises;
- (c) carry out inspections of any processes used for the marking of any animal, carcase or thing;
- (d) examine documentary or data-processing material relevant to the checks carried out under these Regulations, including any import or export manifest; and
- (e) take with them a representative of the European Commission acting for the purposes of the Decision.

(7) If any person fails to comply with a requirement in these Regulations, or a notice, approval or licence issued or granted under these Regulations, an inspector may take such steps as they consider necessary to ensure the requirement is met at the expense of that person, including the power to require, by notice, any person to take or refrain from a specified action in respect of any place, animal, vehicle or other thing.

### **Powers of officers of Revenue and Customs**

**21.** An Officer of Revenue and Customs may detain any vehicle, vessel, container or anything which the officer reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

### **Illegal consignments of products**

**22.—(1)** This regulation has effect when an inspector, on reasonable grounds, suspects that anything other than live animals is intended to be exported in contravention of these Regulations.

(2) The inspector may seize it and remove it in order to have it dealt with by a justice of the peace.

(3) If anything other than live animals is seized under this regulation, the inspector must inform the person appearing to the inspector to be in charge of the consignment of the inspector's intention to have it dealt with by a justice of the peace, and—

- (a) any person who might be liable for prosecution under these Regulations in relation to the export must, if they attend before the justice of the peace by whom the matter falls to be dealt with, be entitled to be heard and to call witnesses; and
- (b) the justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under these Regulations in relation to that consignment.

(4) If it appears to a justice of the peace that there was an intention to export the consignment in contravention of these Regulations the justice of the peace must, unless satisfied that the consignment can be returned to the owner without risk of a further attempt to export it in contravention of these Regulations, order that the consignment be destroyed or otherwise disposed of so as to prevent it from being despatched.

(5) When under the preceding paragraph a justice of the peace is satisfied that there was an intention to export a consignment in breach of these Regulations, the owner, the consignor and the consignee are jointly and severally liable for the costs reasonably incurred in its removal to storage, its storage and its destruction or disposal.

### **Obstruction**

**23.** No person must—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his or her functions under these Regulations;

- (c) furnish to any person acting in the execution of these Regulations any information which they know to be false or misleading; or
- (d) deface, obliterate or remove any mark made by an inspector under these Regulations.

### **Offences by bodies corporate**

**24.**—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

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

(2) For the purposes of this regulation, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Penalties**

**25.**—(1) A person contravening any provision of these Regulations, or any conditions of an approval or licence granted, or a notice served, under these Regulations, is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Authorisations, certificates, etc. issued in another part of the United Kingdom**

**26.**—(1) Where these Regulations require any authorisation, certificate or approval to be issued or granted by the Welsh Ministers, a veterinary inspector or inspector, an equivalent document issued in another part of the United Kingdom by the relevant competent authority is valid.

(2) Where these Regulations require anything to be done in approved establishments or cutting plants in Wales, anything done in premises approved for those purposes in another part of the United Kingdom must be treated as if it had been processed in approved premises in Wales.

### **Sharing information**

**27.**—(1) The Welsh Ministers, the Commissioners and any local authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in another part of the British Islands.

(2) Paragraph (1) is without prejudice to any other power of the Welsh Ministers, the Commissioners or any local authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (1) if—

- (a) the information relates to a person whose identity—
  - (i) is specified in the disclosure; or
  - (ii) can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than the purposes of these Regulations; and

(c) the Commissioners have not given their prior consent to the disclosure.

(4) In this regulation, “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs.

#### **Enforcement**

**28.** These Regulations must be enforced by the Welsh Ministers or the local authority.

#### **Revocations**

**29.** The Import and Export Restrictions (Foot-And-Mouth Disease) (No.6) (Wales) Regulations 2007(1) are revoked.