

SCHEDULE 2

Regulations 5(1) and 7(b) and (c)

Powers of Inspectors

1. At any reasonable time—
 - (a) to enter premises which the inspector has reason to believe it is necessary to enter and to take with the inspector any person duly authorised by the Scottish Ministers or a local authority and, if the inspector has reasonable cause to apprehend the risk of obstruction, a constable; and
 - (b) to take any equipment or materials required for any purpose for which the power of entry is being exercised.
2. To carry out such tests and inspections (and to make such recordings), as may in any circumstances be necessary.
3. To direct that any, or any part of, premises which the inspector has power to enter, or anything in or on such premises, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any test or inspection.
4. To take samples of any organisms, articles or substances found in or on any premises which the inspector has power to enter.
5. In the case of anything found on premises which the inspector has power to enter which appears to be a genetically modified organism, or to consist of or include genetically modified organisms, to take possession of it and detain it for so long as is necessary for all or any of the following purposes—
 - (i) to examine it;
 - (ii) to ensure that it is not tampered with before any examination of it is completed; and
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations.
6. To require any person whom the inspector has reasonable cause to believe to be able to give any information relevant to any test or inspection under this Schedule to answer (in the absence of persons other than a person nominated by the first-mentioned person to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask.
7. To require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which are required to be kept for the purpose of complying with any of the specified Community provisions or which it is necessary for the inspector to see for the purposes of any test or inspection under this Schedule and to inspect, and take copies of, or of any entry in, the records.
8. To require any person to afford the inspector such facilities and assistance with respect to any matters or things within the control of that person or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred by this Schedule.
9. Where under the power conferred by paragraph 5 an inspector takes possession of anything found on any premises, the inspector shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars sufficient to identify what has been seized and stating that the inspector has taken possession of it under that power; and before taking possession under that power of—
 - (a) any thing that forms part of a batch of similar things; or
 - (b) any substance,

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

an inspector shall, if it is practical and safe to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

10. Nothing in paragraph 6 authorises the inspector to require disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.