

SCHEDULES

SCHEDULE 3

POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

Functions in connection with inspection and search

- 11.—**(1) This paragraph applies to—
- (a) a power of inspection conferred by section 24(1), 25(1), 26(1), 27(1) or 28(1), and
 - (b) a power of search conferred by a warrant under section 22(1).
- (2) A person exercising a power to which this paragraph applies may—
- (a) inspect an animal found on the premises;
 - (b) inspect any other thing found on the premises, including a document or record (in whatever form it is held);
 - (c) carry out a measurement or test (including a measurement or test of an animal found on the premises);
 - (d) take a sample (including a sample from an animal found on the premises or from any substance on the premises which appears to be intended for use as food for such an animal);
 - (e) mark an animal found on the premises for identification purposes;
 - (f) remove a carcass found on the premises for the purpose of carrying out a post-mortem examination on it;
 - (g) take copies of a document or record found on the premises (in whatever form it is held);
 - (h) require information sorted in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;
 - (i) take a photograph of anything on the premises;
 - (j) seize and detain or remove anything which the person exercising the power reasonably believes to be evidence of any non-compliance, or of the commission of any offence, relevant to the purpose for which the inspection or search is made.

(3) A person taken onto premises under paragraph 6 may exercise any power conferred by sub-paragraph (2) if that person is in the company of, and under the supervision of, a person exercising a power to which this paragraph applies.

12. A person who takes a sample from an animal pursuant to paragraph 11(2)(d) must give a part of the sample, or a similar sample, to any person appearing to be responsible for the animal, if, before the sample is taken, he or she is requested to do so by that person.

13.—(1) Paragraph 11(2)(j) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of Article 12 of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#)).

(2) A person who seizes anything in exercise of the power under paragraph 11(2)(j) shall on request provide a record of the thing seized to a person showing himself or herself—

- (a) to be the occupier of premises on which it was seized; or
- (b) to have had possession or control of it immediately before its seizure.

(3) Subject to sub-paragraph (4), anything which has been seized in the exercise of a power under paragraph 11(2)(j) may be retained so long as is necessary in all the circumstances and in particular—

- (a) for use as evidence at a trial for a relevant offence; or
- (b) for forensic examination or for investigation in connection with a relevant offence.

(4) Nothing may be retained for either of the purposes mentioned in sub-paragraph (3) if a photograph or a copy would be sufficient for that purpose.

14. As soon as reasonably practicable after having exercised a power to which paragraph 11 applies, the person who exercised the power shall—

- (a) prepare a written report of the inspection or search, and
- (b) if requested to do so by the occupier of the premises, give the occupier a copy of the report.

15.—(1) A person exercising a power of search conferred by a warrant under section 22(1) may (if necessary) use reasonable force in the exercise of powers under paragraph 11 in connection with the execution of the warrant.

(2) A person carrying out an inspection under section 26(1) or 27(1) on premises which that person is authorised to enter by a warrant under section 26(4) or, as the case may be, section 27(4), may (if necessary) use reasonable force in the exercise of powers under paragraph 11 in connection with the inspection.