
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 310

The Bovine Viral Diarrhoea (Scotland) Order 2019

PART 4

Final provisions

Maintenance, publication and provision of information

39.—(1) The Scottish Ministers must maintain a record of information notified or provided in accordance with articles 3(4)(b), 6(6), 7(2), 8(2), 22(1), 22(2), 23(3), 25(2), and 30.

(2) The Scottish Ministers must provide information so far as held by them to a relevant person about—

- (a) the collective BVD status of a breeding herd or the individual BVD status of a bovine animal, and
 - (b) the result of a laboratory test for the presence of, or exposure to, BVDV in relation to a sample taken from a bovine animal.
- (3) In paragraph (2), “a relevant person” means—
- (a) the keeper of the herd or bovine animal, or
 - (b) the operator of a market to which the herd or animal is moved or is to be moved.
- (4) Where they consider it appropriate to do so, the Scottish Ministers may—
- (a) provide information held by them, as described in paragraph (2), to any other person who requests that information,
 - (b) publish such information (or any part of such information) as they deem appropriate.

Enforcement

40.—(1) Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Scottish Ministers may, in relation to such particular cases or such cases of a particular description, as they may specify, enforce this Order in place of the local authority.

Powers of entry

41.—(1) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises (except premises used wholly as a private dwelling house) at any reasonable hour for the purpose of enforcing this Order.

(2) A justice of the peace, summary sheriff or sheriff may, by signed warrant, permit an inspector to enter any premises as mentioned in paragraph (1), if necessary by reasonable force, if satisfied, on sworn information in writing, that—

- (a) there are reasonable grounds to enter those premises for the purpose of enforcing this Order, and
- (b) any of the conditions in paragraph (3) are met.

- (3) The conditions referred to in paragraph (2)(b) are—
 - (a) entry to the premises has been, or is likely to be, refused, and notice of intention to apply for a warrant has been given to the occupier,
 - (b) asking for admission to the premises, or giving such notice, would defeat the object of entry,
 - (c) entry is required urgently, or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (4) A warrant may be granted for a period of up to 3 months.

Powers of inspectors

- 42.**—(1) An inspector entering any premises may for the purpose of enforcing this Order—
- (a) inspect any animal or article there,
 - (b) take samples,
 - (c) carry out any inquiries, examinations or tests,
 - (d) have access to, inspect and copy any relevant documents or records (in whatever form they are held), and remove them to enable them to be copied,
 - (e) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with the records.
- (2) Where an inspector has entered premises and it is not reasonably practicable to determine whether documents or records on those premises are relevant, the inspector may seize them to ascertain whether or not they are relevant.
- (3) The inspector may—
- (a) take any necessary equipment or vehicle on to the premises,
 - (b) be accompanied by such other persons as the inspector considers necessary.

Offences by bodies corporate

- 43.**—(1) Where—
- (a) an offence against the Act in relation to this Order is committed by a body corporate or a Scottish partnership or other unincorporated association,
 - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual, or
 - (ii) an individual purporting to act in the capacity of a relevant individual,
- the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.
- (2) In paragraph (1), “relevant individual” means—
- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body,
 - (ii) where the affairs of the body are managed by its members, a member,
 - (b) in relation to a Scottish partnership, a partner,
 - (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Revocation and transitional provisions

44.—(1) The 2013 Order is revoked.

(2) The schedule contains transitional provisions.