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STATUTORY INSTRUMENTS

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**1995 No. 731**

**The Welfare of Animals (Slaughter or Killing) Regulations 1995**

**PART V**

**EXECUTION, OFFENCES AND PENALTIES**

**Powers of authorised persons**

**23.**—(1) An authorised person, upon producing, if required to do so, some duly authenticated document showing his authority, may at any time enter—

- (a) any slaughterhouse or knacker's yard; or
- (b) any land or premises, other than premises used wholly or mainly as a dwelling, where he reasonably suspects that any activity which is governed by these Regulations is, or has been, carried on,

for the purpose of ascertaining whether there is or has been any contravention of these Regulations.

(2) An authorised person shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

(3) Without prejudice to the generality of paragraph (2) above, an authorised person may in particular, where he has a reasonable suspicion that there is or has been a contravention of these Regulations—

- (a) take samples (and, if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase;
- (b) take away any carcase or part of a carcase (and, if necessary, send it for laboratory testing);
- (c) require the production of any relevant record or document;
- (d) inspect any relevant record or document;
- (e) take copies of any relevant record or document; and
- (f) take away any relevant record or document.

(4) An authorised person may take with him into the slaughterhouse or knacker's yard or onto the premises or land such other persons as he considers necessary, including a representative of the European Commission acting for the purposes of Article 14 of Council Directive [93/119/EC](#) on the protection of animals at the time of slaughter or killing<sup>(1)</sup>.

**Obstruction**

**24.**—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;

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(1) OJNo. L 340, 31.12.93, p. 21.

- (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 of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences by bodies corporate**

**25.**—(1) Where a body corporate is guilty of an offence under these Regulations and the offence is proved to have been committed with the consent or connivance of, or to be 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,

he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

### **Offences and penalties**

**26.**—(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence.

(2) Any person guilty of an offence by virtue of regulation 4(2) or (3) or 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence by virtue of regulation 24(1)(c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(5) Paragraph (1) above shall not apply to anything done or omitted by the Minister or an authorised veterinary surgeon in exercise of functions conferred by these Regulations.

### **Defence**

**27.** A person who contravenes any provision in these Regulations shall not be guilty of an offence in respect of such contravention if he proves that by reason of accident or other emergency the contravention was necessary for preventing injury or suffering to any person or animal.