
STATUTORY INSTRUMENTS

2013 No. 2952

**The Animal By-Products (Enforcement)
(England) Regulations 2013**

PART 6

Enforcement

Powers of entry and additional powers

23.—(1) An authorised person may, on production of that person's authority if so required for the purpose of enforcing these Regulations, the EU Control Regulation and the EU Implementing Regulation—

- (a) enter and inspect premises (except premises used wholly or mainly as a dwelling-house) at any reasonable hour;
- (b) take such other persons and any equipment or materials as necessary;
- (c) make such examination or investigation as necessary;
- (d) direct that the premises, or part of them, are left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (e) take such measurements and photographs and make such recordings as are considered necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (f) in the case of any article or substance found in or on the premises—
 - (i) take samples;
 - (ii) test or subject it to any process, where it appears that it has caused or is likely to cause harm to human health or to the health of animals or plants;
 - (iii) take possession of it and retain it for so long as is necessary—
 - (aa) to examine it and to exercise the power within paragraph (ii);
 - (bb) to ensure that it is not tampered with before examination of it is completed; and
 - (cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;
- (g) require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in, the records;
- (h) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred by this regulation; or

- (i) mark any animal or animal by-product as the authorised person considers necessary.
 - (j) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.
 - (k) An authorised office may be accompanied by such other persons as the authorised officer considers necessary.
- (2) Where an authorised person proposes to exercise the power in paragraph (1)(f)(ii), the authorised person must—
- (a) if so requested by a person who at the time is present and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in that person's presence;
 - (b) consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which is proposed under that power.
- (3) Where an authorised person proposes to exercise the power in paragraph (1)(f)(iii), the authorised person must, if it is practicable to do so, take a sample of the article or substance and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.
- (4) Where an authorised person exercises the power in paragraph (1)(f)(iii), the authorised person must leave a notice giving particulars of the article or substance sufficient to identify it and stating that possession has been taken, either—
- (a) with a responsible person; or
 - (b) if that is impracticable, fixed in a conspicuous place at those premises.
- (5) Nothing in this regulation compels the production by any person of a document which that person would be entitled to withhold production of on the grounds of legal professional privilege on an order for discovery in an action in the High Court.