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WELSH STATUTORY INSTRUMENTS

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**2001 No. 4047**

**The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (No. 14) Regulations 2001**

**Illegal consignments of products**

**21.**—(1) This regulation shall have effect when an inspector, on reasonable grounds, suspects that anything other than animals is intended to be dispatched in contravention of these Regulations.

(2) The inspector may either—

- (a) give notice to the person in charge of the consignment that, until the notice is withdrawn, it may not be removed or must be removed to and stored in a place specified in the notice; or
- (b) seize it and remove it in order to have it dealt with by a justice of the peace.

(3) Where an inspector exercises the power conferred by paragraph (2)(a) he or she shall as soon as is reasonably practicable and in any event within 21 days, determine whether the consignment is one which may be dispatched under these Regulations, and—

- (a) if satisfied that its dispatch is not in contravention of these Regulations, shall withdraw the notice;
- (b) if not so satisfied, shall seize it and remove it in order to have it dealt with by a justice of the peace.

(4) Where an inspector seizes a consignment under paragraph (2)(b) or (3)(b), he or she shall inform the person appearing to that inspector to be in charge of the consignment of his or her intention to have it dealt with by a justice of the peace, and—

- (a) any person who might be liable to prosecution under these Regulations in relation to the dispatch shall, if he or she attends before the justices of the peace by whom the consignment is to be dealt with, be entitled to be heard and to call witnesses; and
- (b) the justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under these Regulations in relation to that consignment.

(5) If it appears to a justice of the peace that there was an intention to dispatch the consignment in contravention of these Regulations he or she shall, unless satisfied that the consignment can be returned to the owner without risk of a further attempt to dispatch it in contravention of these Regulations, order that the consignment shall be destroyed or otherwise disposed of so as to prevent it from being despatched.

(6) When an order is made under the preceding paragraph, the owner, the consignor and the consignee shall be jointly and severally liable for the costs reasonably incurred in its storage and its destruction or disposal.

(7) Where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraph (5), the body that appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector; but this paragraph shall not apply if the notice was served because the consignment was not accompanied by the correct documentation, and the consignment was detained until the correct documentation was provided.