
WELSH STATUTORY INSTRUMENTS

2008 No. 1090

The Bluetongue (Wales) Regulations 2008

PART 4

Inspection, offences and enforcement

Powers of veterinary inspectors, officers and inspectors

20.—(1) On producing, if required, a duly authenticated document showing the required authority, a veterinary inspector, inspector or an officer of the Welsh Ministers acting under the direction of a veterinary inspector may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of monitoring or surveillance for the bluetongue virus, antibodies to the bluetongue virus or midges.

(2) On producing, if required, a duly authenticated document showing the required authority, a veterinary inspector, inspector or an officer of the Welsh Ministers may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of ensuring that these Regulations are being complied with.

(3) A person entering premises, a vehicle or a vessel under paragraphs (1) or (2) may take with him or her—

- (a) any equipment; and
- (b) such other person as is appropriate.

(4) Any person entering premises under paragraphs (1) or (2) may take a vehicle with him or her.

(5) A veterinary inspector, inspector or an officer of the Welsh Ministers may—

- (a) detain, isolate or restrain any animal;
- (b) require the detention, isolation or restraint of any animal;
- (c) mark for identification purposes any animal, carcase or thing;
- (d) detain or isolate any thing;
- (e) require the detention or isolation of any thing;
- (f) require any person who knows about an animal's movements to give details of those movements and of any other animal with which it has been in contact;
- (g) require the occupier of premises or keeper of animals on those premises to give details of animals either on those premises or on other premises where the occupier or keeper has animals;
- (h) require the production of any record kept under these Regulations, in whatever form that record is held;
- (i) copy any record referred to in paragraph (f); or
- (j) inspect and check the operation of any computer and associated apparatus or material used in the connection with the making and keeping of records under these Regulations.

(6) A veterinary inspector or an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector may—

- (a) examine any carcase or thing;
- (b) require the treatment of any animal;
- (c) carry out an epidemiological investigation relevant to the control of bluetongue;
- (d) carry out tests and take samples (including blood samples) from any animal, carcase or thing for the purpose of diagnosis or epidemiological investigation;
- (e) trap midges;
- (f) implement midge control measures;
- (g) require the destruction, burial, disposal or treatment of any thing; or
- (h) require the cleansing and disinfection of any part of the premises or of any person, animal, vehicle, vessel or thing on the premises.

(7) A veterinary inspector may—

- (a) on entering any premises, vehicle or vessel under this regulation, examine or vaccinate any animal;
- (b) require, by notice, the occupier of premises or the keeper of animals on premises to —
 - (i) allow the vaccination of any animal kept there;
 - (ii) retain animals for use as sentinel animals or allow the introduction of sentinel animals onto those premises; or
 - (iii) move an animal which has been moved other than in accordance with regulations 13 or 15 to a place specified by the veterinary inspector;

(8) “Sentinel animal” (“*anifail rhybuddio*”) means an animal that is used for surveillance for the bluetongue virus which does not have antibodies to the bluetongue virus of the strain in respect of which surveillance is being carried out when first introduced or retained at the premises.

Obstruction

21.—(1) No person may—

- (a) intentionally obstruct any person acting in the execution of these Regulations; or
- (b) furnish to any person acting in the execution of these Regulations any information which that person knows to be false or misleading.

(2) Any person required to give reasonable assistance or information to a person acting under these Regulations must do so without delay unless there is reasonable cause to do otherwise.

Interference with traps and marks

22. No person may—

- (a) damage, interfere with or remove any traps set for midges under these Regulations; or
- (b) deface, obliterate or remove any mark made by any person under these Regulations.

Costs of compliance

23. Unless the Welsh Ministers direct otherwise in writing, the costs incurred by any person in taking any action required, or in refraining from taking action that is prohibited, by or under these Regulations must be met by that person.

Powers of inspectors in case of default

24. If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

Offences and penalties

25. A person contravening any requirement or prohibition in or under these Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment not exceeding three months or both.

Offences by bodies corporate

26.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(2) For the purposes of this regulation, “director” (“*cyfarwyddwr*”), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

27.—(1) These Regulations are enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or to particular cases, that the Welsh Ministers will enforce these Regulations instead.