

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Animal Health

Section 12 – Powers of entry etc.

81. **Section 12** inserts new sections 62G (Powers of entry etc.: Scotland), 62H (Warrants) and 62I (Entry and warrants: supplementary) into the 1981 Act. In order to prevent or limit a fast spreading animal disease, it may be necessary to enter land or premises to take action. Entry may be necessary as a matter of urgency because of the nature of the disease.
82. The 1981 Act contains a number of powers relating to the entry of land or premises.
83. Section 62G provides an explicit power of entry for the purpose of ascertaining whether a power to slaughter, conferred by or under any provision mentioned in subsection (3), should be exercised or doing anything in pursuance of, for the purpose of, or in connection with, the exercise of that power. In relation to the power to enter premises used exclusively as a dwelling house, 24 hours' notice of the intended entry is to be given unless the case is one of urgency.
84. Section 62H makes provision for the issuing of warrants by a sheriff or justice of the peace and the conditions which must be satisfied to obtain a warrant. Where the conditions are satisfied a sheriff or justice of the peace may issue a warrant authorising an inspector appointed or authorised by the Scottish Ministers to enter, if necessary using reasonable force, any premises to ascertain whether a function conferred on the Scottish Ministers or an inspector by or under the 1981 Act should be exercised or doing anything in pursuance of, or in connection with, the exercise of that function. A warrant must be executed at a reasonable hour unless the inspector thinks the case is one of urgency.
85. Section 62I contains supplementary provisions where an inspector enters any premises under the powers conferred by or under the 1981 Act or under a warrant under section 62H including the provision that the inspector may take such persons or equipment as the inspector considers necessary. It also includes a provision for the inspector to require assistance by any person on the premises as detailed in subsection (4). If the inspector enters any unoccupied premises the inspector must leave the premises as secure as the inspector found them.