



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 1

ANIMAL HEALTH

Miscellaneous

12 Powers of entry etc.

After section 62F of the 1981 Act there is inserted—

“62G Powers of entry etc.: Scotland

- (1) An inspector may enter any premises in Scotland for the purpose of—
 - (a) ascertaining whether a power of slaughter conferred by or under any provision mentioned in subsection (3) should be exercised; or
 - (b) doing anything in pursuance of or in connection with the exercise of such a power.
- (2) A power of slaughter conferred by or under any provision mentioned in subsection (3) extends to the taking of any action for the purposes of or in connection with the exercise of the power.
- (3) The provisions are—
 - (a) section 16B of;
 - (b) section 32 of;
 - (c) Schedule 3 to;
 - (d) Schedule 3A to,this Act.
- (4) An inspector acting under subsection (1) must, if required, produce evidence of the inspector’s authority.

Status: This is the original version (as it was originally enacted).

- (5) Where any power of entry conferred on an inspector by this Act is exercised in relation to premises used exclusively as a dwelling-house, 24 hours' notice of the intended entry is to be given to the occupier unless the inspector thinks the case is one of urgency.
- (6) Any power of entry conferred on an inspector by this Act must be exercised at a reasonable hour unless the inspector thinks the case is one of urgency.
- (7) In this section and sections 62H and 62I, an “inspector” means—
 - (a) a person appointed as an inspector for the purposes of this Act by the Scottish Ministers; or
 - (b) a person authorised by the Scottish Ministers for those purposes.
- (8) In this section and sections 62H and 62I, “premises” includes—
 - (a) any land or building; or
 - (b) any other place, in particular—
 - (i) a vehicle or vessel; or
 - (ii) a tent or moveable structure.

62H Warrants

- (1) A sheriff or justice of the peace may issue a warrant authorising an inspector to enter (if necessary using reasonable force) any premises in Scotland for the purpose mentioned in subsection (2), if satisfied by evidence on oath that—
 - (a) the first condition is satisfied; and
 - (b) either the second or the third condition is satisfied.
- (2) The purpose is that of—
 - (a) ascertaining whether a function of the Scottish Ministers or inspectors under this Act should be exercised; or
 - (b) doing anything in pursuance of or in connection with the exercise of such a function.
- (3) The evidence must include—
 - (a) a statement as to whether any representations have been made by the occupier of the premises to an inspector concerning the purpose for which the warrant is sought;
 - (b) a summary of any such representations.
- (4) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose.
- (5) The second condition is that each of the following applies—
 - (a) the occupier has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) the occupier has failed to allow entry to the premises on being requested to do so by an inspector; and
 - (c) the occupier has been informed of the intention to apply for the warrant.
- (6) The third condition is that—

- (a) the premises are unoccupied or the occupier appears to be absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises; or
 - (b) the object of entering would be defeated if the occupier were requested to allow entry or informed of an intention to apply for a warrant.
- (7) A warrant issued under this section must be executed at a reasonable hour unless the inspector thinks the case is one of urgency.
- (8) A warrant issued under this section remains in force for one month starting with the date of its grant.

62I Entry and warrants: supplementary

- (1) This section applies to an inspector who enters any premises by virtue of a power conferred on the inspector by or under this Act or under a warrant under section 62H.
- (2) The inspector may take on to the premises—
- (a) such other persons as the inspector thinks necessary to give the inspector such assistance as the inspector thinks necessary;
 - (b) such equipment as the inspector thinks necessary.
- (3) The inspector may require any person on the premises who falls within subsection (4) to give the inspector such assistance as the inspector may reasonably require.
- (4) The following persons fall within this subsection—
- (a) the occupier of the premises;
 - (b) a person appearing to the inspector to have charge of animals on the premises;
 - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (5) If the inspector enters any premises by virtue of a warrant issued under section 62H the inspector must at the time of entry—
- (a) serve a copy of the warrant on the occupier of the premises; or
 - (b) if the occupier is not on the premises, leave a copy of the warrant in a conspicuous place on the premises.
- (6) If the inspector enters any unoccupied premises the inspector must leave them as effectively secured against entry as the inspector found them.”.