

---

STATUTORY INSTRUMENTS

---

**2005 No. 2745**

**The Veterinary Medicines Regulations 2005**

**PART 5**

Miscellaneous provisions, enforcement and offences

**Seizure notices**

**40.**—(1) If an inspector finds any veterinary medicinal product that does not appear to him to be authorised in the United Kingdom, or any authorised veterinary medicinal product not lawfully supplied in accordance with these Regulations, he may seize it.

(2) He shall give to the person appearing to him to be in charge of the veterinary medicinal product a notice (referred to in these Regulations as a “seizure notice”) —

- (a) giving the grounds for seizing the product; and
- (b) informing him of his rights under this regulation to make a claim, and the address for the service of the claim.

(3) If an inspector is not able to remove products seized under this regulation immediately, he may mark the products in any way that he sees fit, and serve a notice on the person in charge of the products identifying them, and prohibiting the movement of the products until they are collected, and any person who moves products identified under this paragraph is guilty of an offence.

(4) Any person claiming that the product was not liable to seizure shall, within one month of the seizure notify his claim to the Secretary of State at the address specified in the original notice, setting out the grounds in full.

(5) If a notification of a claim is not received within one month the Secretary of State shall destroy the product.

(6) If a notification of a claim is received within one month, the Secretary of State shall either return the goods or take proceedings for an order for the destruction of the veterinary medicinal product in a magistrates' court (or, in Scotland, the sheriff court), and if the court finds that the veterinary medicinal product did not have a marketing authorisation in the United Kingdom, or had not been supplied in accordance with these Regulations, it shall order its destruction.

(7) The person on whom the original notice was served is liable for the costs of destruction.

(8) This regulation applies to additives, premixtures and feedingstuffs specified in Schedule 5 in the same way as it applies to veterinary medicinal products.