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STATUTORY INSTRUMENTS

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**2011 No. 2883**

**The Non-Commercial Movement of Pet Animals Order 2011**

**PART 4**

**Enforcement**

**Enforcement authority**

**13.**—(1) The local authority enforces the Pets Regulation, Decision [2003/459/EC](#), Decision [2006/146/EC](#), Decision [2007/25/EC](#), the supplementary Regulation and this Order (in this Part, “the relevant instruments”).

(2) In relation to cases of a particular description or to a particular case, the appropriate authority may direct that the relevant instruments be enforced by it instead.

**Appointment of authorised officers**

**14.**—(1) The local authority or the appropriate authority may authorise officers for the purpose of enforcing the relevant instruments.

(2) The following are authorised officers for the purpose of enforcing the relevant instruments—

- (a) a person appointed as an inspector or a veterinary inspector for the purposes of the Animal Health Act 1981<sup>(1)</sup>,
- (b) a person appointed for the purposes of the Non Commercial Movement of Pet Animals (England) Regulations 2004<sup>(2)</sup> or the Pet Travel Scheme (Scotland) Order 2003<sup>(3)</sup>.

**Powers of authorised officers**

**15.**—(1) An authorised officer may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing the relevant instruments, and in this article “premises” includes any place, trailer, container, vessel, boat, aircraft or vehicle of any other description.

(2) An authorised officer may be accompanied by such other persons as the authorised officer considers necessary, including any representative of the European Commission.

(3) Admission to premises used wholly or mainly as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under paragraph (4).

(4) A justice of the peace in England and Wales, or a sheriff, stipendiary magistrate or justice of the peace in Scotland may by signed warrant permit an authorised officer to enter premises used wholly or mainly as a private dwelling house, if necessary by reasonable force, if satisfied, on sworn information in writing (in England and Wales) or by evidence on oath (in Scotland)—

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<sup>(1)</sup> 1981 c. 22.

<sup>(2)</sup> S.I. 2004/2363.

<sup>(3)</sup> S.S.I. 2003/229.

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the relevant instruments, and
  - (b) that any of the conditions in paragraph (5) are met.
- (5) The conditions are—
- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier,
  - (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry,
  - (c) entry is required urgently, or
  - (d) the premises are unoccupied or the occupier is temporarily absent.
- (6) A warrant is valid for three months.
- (7) An authorised officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.
- (8) An authorised officer who has entered premises for the purposes of enforcing the relevant instruments may for those purposes—
- (a) carry out any examination, investigation or test,
  - (b) inspect and search the premises,
  - (c) require the production of any document or record (including a passport or health certificate) and inspect and take a copy of or extract from such document or record,
  - (d) require any person to provide such assistance, information or facilities as is reasonable,
  - (e) seize and detain a pet animal or pet bird.

## Offences

- 16.**—(1) Failure to comply with either of the following is an offence—
- (a) a notice served under article 10(3),
  - (b) article 11(1), except where article 11(2) applies.
- (2) It is an offence—
- (a) intentionally to obstruct any person acting in the execution of the relevant instruments,
  - (b) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require,
  - (c) to furnish to any such person any information knowing it to be false or misleading (including information contained in a passport or health certificate), or
  - (d) to fail to produce a document or record (including a passport or health certificate) to any such person when required to do so.

## Penalties

- 17.**—(1) A person guilty of an offence under article 16(1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person guilty of an offence under article 16(2) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale.

### **Offences by bodies corporate, partnerships and unincorporated associations**

18.—(1) Where a body corporate is guilty of an offence under this Order, 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) a director, manager, secretary or other similar officer of the body corporate, or
- (b) a person who was purporting to act in any such capacity,

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

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or Scottish partnership is guilty of an offence under this Order, 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 partner, the partner, as well as the partnership or Scottish partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association is guilty of an offence under this Order, 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 an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body, or
- (b) a person purporting to act in such a capacity.