
WELSH STATUTORY INSTRUMENTS

2001 No. 1332

The Slaughter Premium (Wales) Regulations 2001

Part V

Enforcement

Application of regulations 22 to 30

21. Regulations 22 to 30 apply—

- (a) in so far as they relate to claimants, to the extent that the National Assembly is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations; and
- (b) in so far as they relate to slaughterhouses, in relation to slaughterhouses in Wales.

Retention of records

22. A claimant shall retain any book, register (other than a register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a premium animal in respect of which he or she has submitted a claim for a period of four years from the date on which the claim was submitted.

Exercise of powers by authorised persons

23. An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his or her authority, exercise the powers conferred by regulations 24 and 25 for the purposes of—

- (a) carrying out any specified control measure; or
- (b) ascertaining whether an offence under regulation 28 has been or is being committed; or
- (c) ensuring that slaughter premium has been or will be granted only in accordance with—
 - (i) the Community rules; and
 - (ii) the requirements of regulations 8 and 9.

Powers of entry and inspection

24.—(1) An authorised person may enter any land, other than land used only as a dwelling, which is, or which he or she reasonably believes to be—

- (a) occupied by a claimant or used by him or her for keeping bovine animals; or
 - (b) used for, or in connection with, a slaughterhouse.
- (2) An authorised person who has entered any land by virtue of this regulation may—
- (a) inspect and verify the area of the land or any part thereof;
 - (b) inspect any building, structure or equipment, including weighing equipment, on the land;

- (c) inspect and count any bovine animals on the land and read their eartags or other identification marks;
 - (d) inspect any carcase, or part of a carcase, of any bovine animal on the land;
 - (e) carry out any other activity which is a specified control measure; and
 - (f) inspect the land for the purpose of determining whether it has been overgrazed or whether unsuitable supplementary feeding methods have been used on it.
- (3) An authorised person entering land by virtue of this regulation may take with him or her such other persons acting under his or her instructions as he or she considers necessary.

Powers in relation to documents

25. An authorised person may—

- (a) require a claimant or any officer, employee, servant or agent of a claimant to produce any claimant's document in his or her possession or under his or her control and to supply such additional information in that person's possession or under his or her control relating to a claim as the authorised person may reasonably request;
- (b) require a slaughterhouse operator or any officer, employee, servant or agent of a slaughterhouse operator to produce any slaughterhouse document in his or her possession or under his or her control and to supply such additional information in that person's possession or under his or her control relating to the business or operation of a slaughterhouse or to any bovine animal slaughtered or delivered for slaughter there as the authorised person may reasonably request;
- (c) examine any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), and, where it is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with that claimant's document, or slaughterhouse document, as the case may be;
- (d) make such copies of any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), as he or she may think fit; and
- (e) seize and retain any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), which he or she has reason to believe may be required as evidence in proceedings in relation to a claim and, where any such claimant's document or slaughterhouse document is kept by means of a computer, require it to be produced in a form in which it may be taken away.

Assistance to authorised persons

26. A claimant, a slaughterhouse operator, any officer, employee, servant or agent of a claimant or a slaughterhouse operator and any person in charge of animals on land entered pursuant to regulation 24 shall render an authorised person such assistance as he or she may reasonably request so as to enable him or her to exercise any power conferred by regulation 24 or 25 and in particular, in relation to any bovine animal, shall arrange for the penning and securing of such animal if so requested.

Offences

27. It shall be an offence for a person—

- (a) without reasonable excuse to fail to comply with regulation 22;
- (b) where the registration of a slaughterhouse for the slaughter of premium animals has been cancelled, without reasonable excuse—

- (i) to fail to permit an authorised person to affix a copy of the notice of cancellation there in a conspicuous position easily visible to all persons delivering animals to the slaughterhouse; or
- (ii) to fail to maintain such copy of the notice of cancellation in that position in a clearly legible condition until the expiry of one year from the date of cancellation, or until the slaughterhouse is registered again, whichever shall be the sooner, or to alter or deface it;
- (c) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 24 or 25;
- (d) without reasonable excuse, to fail to comply with a requirement made under regulation 25 or a request made under regulation 26; or
- (e) knowingly or recklessly to make a statement or furnish any information which is false or misleading in a material particular where the statement is made or the information is furnished for the purpose of obtaining for himself, herself or any other person the grant of a slaughter premium.

Penalties

28.—(1) A person guilty of an offence under regulation 27(a), (b), (c) or (d) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person guilty of an offence under regulation 27(e) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

29.—(1) Proceedings for an offence under regulation 27 may, subject to paragraph (2), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to his or her knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than twelve months after the commission of the offence.

(3) For the purpose of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his or her opinion to warrant the proceedings came to his or her knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

30.—(1) Where a body corporate is guilty of an offence under regulation 27, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate that person, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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