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ANIMALS, ENGLAND

ANIMAL HEALTH

The Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006

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| <i>Made</i> | - - - - | <i>23rd October 2006</i> |
| <i>Laid before Parliament</i> | | <i>27th October 2006</i> |
| <i>Coming into force</i> | - - | <i>17th November 2006</i> |

The Secretary of State, being designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, makes the following Regulations:

Title, application and commencement

1.—(1) These Regulations may be cited as the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006.

(2) These Regulations apply in relation to England.

(3) These Regulations come into force on 17th November 2006.

Interpretation

2.—(1) In these Regulations—

“Commission Decision 2006/668/EC” means Commission Decision 2006/668/EC concerning a financial contribution from the Community towards a baseline survey on the prevalence of *Salmonella* in slaughter pigs to be carried out in the Member States^(c);

“Commission Decision 2006/662/EC” means Commission Decision 2006/662/EC concerning a financial contribution from the Community towards a baseline survey on the prevalence of *Salmonella* in turkeys to be carried out in the Member States^(d);

^(a) S.I. 1972/1811.

^(b) 1972 c 68.

^(c) OJ No L 275, 6.10.2006, p. 51.

^(d) OJ No L 272, 29.9.2006, p. 22.

“local authority” means—

- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994^(a), a unitary authority for that local government area, that authority;
- (b) in any part of England where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county;
 - (iii) in each London borough, the council of that borough; or
 - (iv) in the City of London, the Common Council;

“slaughterhouse” means a facility used for the killing of pigs; and

“turkey holding” means a facility used for the breeding, rearing or fattening of turkeys.

(2) Expressions defined in Commission Decision 2006/668/EC and Commission Decision 2006/662/EC have the same meaning in these Regulations.

The competent authority

3. The Secretary of State is the competent authority for the purposes of Commission Decision 2006/668/EC and Commission Decision 2006/662/EC.

Information in respect of turkey holdings

4. The occupier or person in charge of a turkey holding (or any employee or agent of the occupier or person in charge of a turkey holding) must, within 7 days of receipt of a written notice from the Secretary of State, provide the information requested in that notice in respect of the survey required by Commission Decision 2006/662/EC.

Information in respect of slaughterhouses

5. The occupier or person in charge of a slaughterhouse (or any employee or agent of the occupier or person in charge of a slaughterhouse) must, within 7 days of receipt of a written notice from the Secretary of State, provide the information requested in that notice in respect of the survey required by Commission Decision 2006/668/EC.

Powers of inspectors

6.—(1) An inspector shall, on producing some duly authenticated document evidencing his authority, have the right at all reasonable hours to enter any turkey holding selected in accordance with Commission Decision 2006/662/EC or any slaughterhouse for the purposes of—

- (a) ascertaining in accordance with Commission Decision 2006/668/EC or Commission Decision 2006/662/EC—
 - (i) whether *Salmonella* spp. exists or has existed there;
 - (ii) whether anti-microbials have been used; and
 - (iii) in the case of a turkey holding, the *Salmonella* vaccination status of the turkeys; and
- (b) the enforcement of these Regulations.

(2) When he has entered a turkey holding an inspector may—

- (a) take samples of faecal material;

(a) S.I. 1994/867 to which there are amendments not relevant to these Regulations.

- (b) examine any records in whatever form, including computerised records, and take copies of those records; and
 - (c) take with him any person, vehicle or equipment he considers necessary for the performance or enforcement of these Regulations.
- (3) When he has entered a slaughterhouse an inspector may—
- (a) take samples from pig carcasses of muscle, lymph nodes in the ileocaecal region and the aggregate of such lymph nodes;
 - (b) take swabs from pig carcasses;
 - (c) examine any records in whatever form, including computerised records, and take copies of those records; and
 - (d) take with him any person, vehicle or equipment he considers necessary for the performance or enforcement of these Regulations.
- (4) For the purpose of this regulation, “inspector” means any person appointed to be an inspector for the purposes of these Regulations by the Secretary of State or a local authority.

Offences

7. A person is guilty of an offence if he—
- (a) fails to comply with regulation 4;
 - (b) fails to comply with regulation 5;
 - (c) intentionally obstructs any person acting under these Regulations;
 - (d) gives any information that he knows to be false or misleading to any person acting under these Regulations; or
 - (e) otherwise than as specified in paragraph (a) and paragraph (b), fails without reasonable excuse—
 - (i) to give any assistance or information that any person acting under these Regulations may require him to give; or
 - (ii) to produce any record that any person acting under these Regulations may require him to produce.

Penalties

8. A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate

9.—(1) Where a body corporate is guilty of an offence under these Regulations, 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) any director, manager, secretary or other similar representative of the body corporate; or
- (b) any person purporting to act in any such capacity,

he, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

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

Enforcement

- 10.—(1) These Regulations shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) shall be discharged by the Secretary of State and not by the local authority.

Revocation

11. The Salmonella in Broiler Flocks (Survey Powers) (England) Regulations 2006^(a) and the Salmonella in Laying Flocks (Survey Powers) (England) Regulations 2005^(b) are revoked.

23rd October 2006

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

^(a) S.I. 2006/864.
^(b) S.I. 2005/359.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in relation to England Commission Decision 2006/668/EC of 29 September 2006 concerning a financial contribution from the Community towards a baseline survey on the prevalence of Salmonella in slaughter pigs to be carried out in the Member States (OJ L 275, 6.10.2006, p. 51.) and Commission Decision 2006/662/EC of 29 September 2006 concerning a financial contribution from the Community towards a baseline survey on the prevalence of Salmonella in turkeys to be carried out in the Member States (OJ L 272, 29.9.2006, p. 22.).

Regulation 3 designates the Secretary of State as the competent authority for the purposes of Commission Decision 2006/668/EC and Commission Decision 2006/662/EC. Regulation 4 provides that the occupier or person in charge of a turkey holding must, within 7 days of a request, send information to the Secretary of State to assist him with the survey of turkey flocks. Regulation 5 provides that the occupier or person in charge of a slaughterhouse must, within 7 days of a request, send information to the Secretary of State to assist him with the survey of slaughter pigs.

Regulation 6 provides inspectors with powers including to enter, to take samples, to examine records and to make inquiries of any person. Regulations 7 and 9 create offences under these Regulations and regulation 8 sets out the applicable penalties for individuals. Regulation 10 provides that these Regulations shall be enforced by the local authority.

These Regulations revoke the Salmonella in Broiler Flocks (Survey Powers) (England) Regulations 2006 (S.I. 2006/864) and the Salmonella in Laying Flocks (Survey Powers) (England) Regulations 2005 (S.I. 2005/359).

A regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.

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