WELSH STATUTORY INSTRUMENTS

2005 No. 586 (W.50)

AGRICULTURE, WALES
ANIMAL HEALTH

The Salmonella in Laying Flocks (Survey Powers) (Wales) Regulations 2005

Made - - - -	*8 March 2005*
Coming into force - -	*31 March 2005*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act(**2**) in relation to the common agricultural policy of the European Community and also being designated(**3**) for the purposes of section 2(2) of the European Communities Act in relation to measures in the veterinary and phytosanitary fields for the protection of public health, in exercise of the powers conferred on it by that section 2(2) hereby makes the following Regulations:

Title, commencement and application

1.—(1) These Regulations may be cited as the Salmonella in Laying Flocks (Survey Powers) (Wales) Regulations 2005 and shall come into force on 31 March 2005.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations —

"the Commission Decision" ("*Penderfyniad y Comisiwn*") means Commission Decision 2004/665/EC;

"inspector" ("*arolygydd*") means a person appointed to be an inspector for the purpose of these Regulations by the National Assembly for Wales, or by a local authority;

"laying hen" ("*iâr ddodwy*") means any bird of the species Gallus gallus that produces eggs for human consumption;

"local authority" ("*awdurdod lleol*") means the council or county borough council as the case may be;

(**1**) S.I.1999/2788.
(**2**) 1972.c.68
(**3**) S.I. 2001/3495.

"premises" ("*mangreoedd*") includes land with or without buildings but does not include any place used only as a dwelling; and

"the Technical Specifications" ("*y Manylebion Technegol*") mean those technical specifications referred to at Article 5 of the Commission Decision which are entitled "Baseline Study on the Prevalence of Salmonella in Laying Flocks of Gallus gallus in the EU".

Selection of Premises

3. The National Assembly for Wales shall be responsible for selection of premises, in accordance with the Technical Specifications, for sampling.

Inspectors' Powers — Entry

4. An inspector shall, on producing, if requested, some duly authenticated document showing the inspector's authority, have the right at all reasonable hours to enter premises which have been selected for sampling, in accordance with the Technical Specifications, for the purpose of taking samples as required by the Commission Decision and for the purposes of regulation 8.

Inspectors' Powers — General

5. An inspector may for the purpose of sampling required by the Commission Decision and for the purposes of regulations 3 and 8 —

(a) make inquiries of any person and request that person to provide any information and documentation, including records, that appear to the inspector to be, or likely to be, relevant;

(b) examine, retain or copy any records including computerised records that appear to the inspector to be, or likely to be, relevant;

(c) take and retain such samples, including samples from laying hens, carcases of laying hens and faecal and environmental material, in accordance with the Technical Specifications, as well as all other samples that the inspector considers necessary for the purpose of sampling required by the Commission Decision;

(d) take with him or her such vehicles and equipment as the inspector considers necessary;

(e) be accompanied by such other persons as the inspector considers necessary; and

(f) require the occupier or person in charge of those premises or any employee or agent of that occupier or person in charge of those premises to provide to the inspector such assistance, co-operation, information and documentation including records, computerised or otherwise, as the inspector may reasonably require.

Offences

6. Any person who —

(a) intentionally obstructs any person acting in the execution of these Regulations;

(b) without reasonable cause, fails to comply with regulation 5(f) above;

(c) provides to any person acting in the execution of these Regulations any information which that person knows to be false or misleading; or

(d) without reasonable cause, fails to produce documentation, including records, or information, to any person acting in the execution of these Regulations when required to do so by that person;

shall be guilty of an offence.