



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 3

#### WILDLIFE ETC.

##### *Pesticides harmful to wildlife*

#### **44 Enforcement powers in connection with pesticides**

- (1) An inspector may—
- enter any premises if he has reasonable grounds to suspect that he may find there evidence that an offence is being committed under section 43,
  - require any person whom he reasonably believes has information about the formulation, effects or use of any substance found on the premises to give him that information, and
  - seize any substance found on the premises, if he has reasonable grounds for believing that it is evidence of an offence under section 43.
- (2) “Inspector” means—
- a person authorised in writing by the Secretary of State to exercise the powers under this section in relation to England;
  - a person authorised in writing by the National Assembly for Wales to exercise the powers under this section in relation to Wales.
- (3) An authorisation under subsection (2) is subject to any conditions or limitations specified in it.
- (4) Schedule 2 to the Food and Environment Protection Act 1985 (officers and their powers), other than paragraph 2A(1)(b) of that Schedule, has effect with respect to inspectors as it has effect with respect to persons authorised to enforce Part 3 of that Act.

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**Changes to legislation:** There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 44. (See end of Document for details)

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- (5) Subsections (6) and (7) apply where an inspector seizes a substance under subsection (1)(c).
- (6) The inspector must give to a person on the premises, or affix conspicuously to some object on the premises, a notice stating—
- (a) what he has seized and the ground for seizing it, and
  - (b) the address for service for any claim for the return of the substance.
- (7) The inspector—
- (a) may retain the substance for so long as is reasonably necessary for the purposes of any investigation or proceedings in respect of an offence under section 43;
  - (b) subject to any order for forfeiture under section 43(5) or any claim made within the relevant period by a person entitled to the return of the substance, may retain the substance or, after the relevant period, destroy or otherwise dispose of it.
- (8) “The relevant period” means the period ending 28 days after—
- (a) any proceedings in respect of an offence under section 43 are finally determined, or
  - (b) if no such proceedings are brought, the time for bringing such proceedings expires.

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**Commencement Information**

**II** S. 44 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 44.