
STATUTORY INSTRUMENTS

1997 No. 1372

**The Control of Trade in Endangered
Species (Enforcement) Regulations 1997**

Powers of entry

9.—(1) If, on an application made by a constable, a justice of the peace or sheriff is satisfied that there are reasonable grounds for believing—

- (a) that there is any unlawfully imported or acquired specimen on premises specified in the application; or
- (b) that an offence under these Regulations has been or is being committed and that evidence of the offence may be found on any premises,

and that any of the conditions specified in paragraph (2) applies, he may issue a warrant authorising any constable to enter upon and search those premises; and such a warrant may authorise persons to accompany any constable who is executing it.

(2) The conditions referred to in paragraph (1) are—

- (a) that admission to the premises has been refused; or
- (b) that refusal is apprehended; or
- (c) that the case is one of urgency; or
- (d) that an application for admission to the premises would defeat the object of the entry.

(3) A constable who is, by virtue of paragraph (1), lawfully on any premises may, in order to determine the identity or ancestry of any specimen, require the taking from any specimen of a sample of blood or tissue provided that—

- (a) the sample is taken by a registered veterinary surgeon; and
- (b) the taking of such a sample will not cause lasting harm to the specimen.

(4) An authorised person may, at any reasonable time and (if required to do so) upon producing evidence that he is so authorised, enter and inspect for the purpose of—

- (a) ascertaining whether the premises are being used for any of the following activities: purchase, offering to purchase, acquisition for commercial purposes, display to the public for commercial purposes, use for commercial gain, sale, keeping for sale, offering for sale or transporting for sale contrary to Article 8 of the Principal Regulation; or
- (b) verifying information supplied by a person for the purpose of obtaining a permit or certificate; or
- (c) ascertaining whether any live specimen is being kept on premises at the address specified in the import permit issued for that specimen as that at which the specimen is to be kept; or
- (d) ascertaining whether any condition of a permit or certificate has been or is being observed,

any premises where he has reasonable cause to believe a specimen is being kept.

(5) An authorised person who is, by virtue of paragraph (4), lawfully on any premises may, in order to determine the identity or ancestry of any specimen for the purposes specified in that paragraph, require the taking from any specimen of a sample of blood or tissue provided that—

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- (a) the sample is taken by a registered veterinary surgeon; and
 - (b) the taking of such a sample will not cause lasting harm to the specimen.
- (6) Any person who intentionally obstructs an authorised person acting in accordance with the powers conferred by this regulation shall be guilty of an offence and shall for every such obstruction be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) If a person, with intent to deceive, pretends to be an authorised person, he shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale, or to a term of imprisonment not exceeding three months, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.