
WELSH STATUTORY INSTRUMENTS

2001 No. 4003

The Environmental Protection (Restriction on Use of Lead Shot) (Wales) Regulations 2001

Powers of entry to determine whether any provisions of the Regulations have been broken

4.—(1) A person who appears suitable to the National Assembly may be authorised in writing by the National Assembly to exercise, in accordance with the terms of the authorisation, any of the powers specified in paragraph (2) below for the purpose of determining whether any provisions of these Regulations have been broken.

(2) The powers which an authorised person may be authorised to exercise under paragraph (1) above are—

- (a) to enter at any reasonable time any premises which the authorised person has reason to believe it is necessary to enter;
- (b) on entering any premises by virtue of sub-paragraph (a) above to have with him or her—
 - (i) any other authorised person;
 - (ii) if there is reasonable cause to apprehend any serious obstruction which would interfere with the authorised person in the execution of his or her duty, a constable; and
 - (iii) any equipment (other than heavy equipment) or materials required for any purpose for which the power of entry is being exercised;
- (c) to make such examination and investigation as may in the circumstances be necessary;
- (d) to take any dead or injured wild bird or to take samples, or to cause samples to be taken, of any articles or substances found in or on any premises which the authorised person has power to enter and to cause any such bird or sample to be analysed or tested;
- (e) in the case of any such bird or sample as is mentioned in sub-paragraph (d) above, to take possession of it and to retain it for so long as is necessary for all or any of the following purposes, namely—
 - (i) to examine it, or cause it to be examined, and to do, or cause to be done, to it anything which the authorised person has power to do under that sub-paragraph;
 - (ii) to ensure that it is not tampered with before examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence.

(3) Where an authorised person proposes to enter any premises and—

- (a) entry has been refused and the authorised person apprehends on reasonable grounds that the use of force may be necessary to effect entry; or
- (b) the authorised person apprehends on reasonable grounds that entry is likely to be refused and that the use of force may be necessary to effect entry,

any entry on to those premises by virtue of these regulations shall only be effected under the authority of a warrant by virtue of paragraph (4) below.

(4) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that there are reasonable grounds for the exercise, in relation to any premises, of a power under this regulation (including a power exercisable by virtue of a warrant under this paragraph), and
- (b) that one or more of the conditions specified in paragraph (5) below is fulfilled,

the justice may by warrant authorise the National Assembly to designate a person who shall be authorised to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

(5) The conditions mentioned in sub-paragraph (4)(b) above are—

- (a) that the exercise of the power in relation to the premises has been refused;
- (b) that such a refusal is reasonably apprehended;
- (c) that the premises are unoccupied;
- (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
- (e) that an application for admission to the premises would defeat the object of the proposed entry.

(6) Every warrant under paragraph (4) above shall continue in force until the purposes for which the warrant was issued have been fulfilled.

(7) An authorised person, or a person designated under paragraph (4) above, shall, (if so requested), produce evidence of the authority or designation.

(8) An authorised person, or a person designated under paragraph (4) above, who, in exercise of any power conferred by this regulation, enters on any premises which are unoccupied or whose occupier is temporarily absent, shall leave the premises secured against trespassers as effectively as before that person entered.

(9) An authorised person, or a person designated under paragraph (4) above, shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any power conferred by this regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.