



2011 CHAPTER 15

Amendments to the Wildlife Order

Enforcement: wildlife inspectors

22. After Article 25A of the Wildlife Order (inserted by section 21) insert—

“25B Power of wildlife inspector to enter premises

(1) In this Article and Article 25C—

“wildlife inspector” means a person authorised in writing under this Article by the Department;

“relevant offence” means an offence under Article 7, 8, 9, 13, 14(2), 15 or 15A.

(2) An authorisation under paragraph (1) is subject to any conditions or limitations specified in it.

(3) A wildlife inspector may, at any reasonable time, enter and inspect any premises—

(a) for the purpose of ascertaining whether a relevant offence is being or has been committed on the premises;

(b) for the purpose of—

(i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a licence or registration under this Order, or

(ii) ascertaining whether any condition to which a licence under this Order was subject has been complied with.

(4) Nothing in paragraph (3)(a) confers power to enter a dwelling house.

(5) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under this Article.

(6) A wildlife inspector entering premises under this Article may take with him a veterinary surgeon if the inspector has reasonable grounds for believing that such a person will be needed for the exercise of powers under Article 25C.

(7) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.

(8) A person is guilty of an offence if he intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (3).

25C Power of wildlife inspector to examine specimens and take samples

(1) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.

(2) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by Article 25B in order to determine its identity or ancestry.

(3) A wildlife inspector may, for the purpose of ascertaining whether such an offence is being or has been committed in respect of any specimen (“the relevant specimen”), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person’s possession or control which—

(a) is alleged to be, or

(b) which the inspector suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(4) Where, pursuant to a requirement under this Article—

(a) a live bird or other animal is to be examined, or

(b) a sample is to be taken from a live bird or other animal,

a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

(5) No sample may be taken by virtue of this Article from a live bird or other animal except by a veterinary surgeon.

(6) No sample may be taken by virtue of this Article from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(7) A person is guilty of an offence if he—

- (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (2), or
- (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under paragraph (1) or (3), or
- (c) fails without reasonable excuse to give any assistance reasonably required under paragraph (4).

(8) In this Article—

“sample” means a sample of blood, tissue or other biological material;

“specimen” means—

- (a) any bird, other animal or plant, or
- (b) any part of, or anything derived from, a bird, other animal or plant.”.