
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 503

EC Fertilisers Regulations (Northern Ireland) 2006

PART 3

Enforcement

Enforcement authorities

- 11.**—(1) These Regulations and the Community Regulation shall be enforced by the Department.
(2) The Department shall appoint inspectors for the purposes of these Regulations.

Powers of entry

12.—(1) An inspector shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of ensuring that the provisions of these Regulations are being complied with.

(2) He may take with him—

- (a) such other persons as he considers necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of the Community Regulation.

(3) Admission to any premises used only as a private dwelling house shall not be demanded as of right unless 24 hours notice of the intended entry has been given to the occupier, or the entry is in accordance with a warrant granted under this regulation.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations, and either—

- (a) admission has been refused, or a refusal is expected, and (in either case) that notice of intention to apply for a warrant has been given to the occupier;
- (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant signed by him authorise the inspector to enter the premises, if need be by reasonable force and to take with him such persons as appears to be necessary.

(5) A warrant under this section shall continue in force for one month.

(6) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

Powers of inspectors

- 13.**—(1) An inspector entering premises under regulation 12 may—

- (a) inspect the premises, and any plant, machinery or equipment;
 - (b) search the premises;
 - (c) inspect any material and take samples in the manner prescribed in Annex IV;
 - (d) examine or seize any documents or records (including financial records);
 - (e) seize any computers and associated equipment for the purpose of copying documents provided they are returned as soon as practicable;
 - (f) carry out any inquiries, examinations and tests;
 - (g) have access to, and inspect and copy any documents or records (in whatever form they are held) required to be kept by the Community Regulation, or remove such records to enable them to be copied; and
 - (h) have access to, inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records.
- (2) For the purposes of paragraph 1(h), an inspector—
- (a) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require; and
 - (b) where a record is kept by means of a computer, may require the records to be produced in a form in which they can be taken away.

Obstruction

14.—(1) Any person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under these Regulations; or
- (c) furnishes to any person acting in the execution of these Regulations any information which he knows to be false or misleading,

shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question if to do so might incriminate him.