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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 159**

**The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019**

**PART 5**

**ENFORCEMENT**

**Powers of entry**

**18.**—(1) Where an authorised person has reasonable grounds to suspect a specimen is being kept at premises, other than premises used wholly or mainly as a private dwelling, that authorised person may, at a reasonable time and on giving reasonable notice to the owner (and, where a different person, the occupier), enter, search and inspect those premises for the purpose of—

- (a) ascertaining whether an offence under this Order is being or has been committed;
- (b) verifying information supplied by a person for the purpose of obtaining a permit or a licence;
- (c) ascertaining whether a condition of a permit or a licence is being or has been complied with; or
- (d) carrying out works under Article 22 (enforcement notices).

(2) The requirement to give notice does not apply—

- (a) where reasonable efforts to agree an appointment have failed;
- (b) where the authorised person reasonably believes that giving notice would defeat the object of the entry;
- (c) where the authorised person has reasonable grounds for suspecting that an offence under this Order is being or has been committed; or
- (d) in an emergency and/or where, in the opinion of the Department, there is an imminent risk of adverse effects or an imminent threat to biodiversity, ecosystem services, human health and/or the economy.

(3) Paragraph (4) applies where—

- (a) on an application made by an authorised person, a lay magistrate is satisfied—
  - (i) that there are reasonable grounds to suspect that an offence under this Order is being or has been committed and that evidence of the offence may be found on any premises;
  - or
  - (ii) there is a need to ascertain whether a condition of a permit or of a licence is being or has been complied with; and

(b) one of the conditions specified in paragraph (5) applies.

(4) Where this paragraph applies the lay magistrate may issue a warrant authorising an authorised person to enter, if necessary by reasonable force, search and inspect premises, and such a warrant may authorise persons to accompany the authorised person who is executing it.

(5) The conditions referred to in paragraph (3)(b) are that—

- (a) entry to the premises has been refused, or is likely to be refused, and notice of the intention to apply for a warrant has been given to the owner (and, where a different person, the occupier); or
- (b) one of the grounds specified in paragraph (6) justifying the absence of such notice applies.

(6) The grounds justifying absence of notice are—

- (a) asking for admission to the premises, or giving such notice, would interfere with the purpose or effectiveness of the entry;
- (b) entry is required urgently and/or there is an imminent risk of adverse effects to biodiversity, ecosystem services, human health and/or the economy; or
- (c) the premises are unoccupied or the owner (or, where a different person, the occupier) is temporarily absent.

(7) An authorised person entering any premises which are unoccupied or from which the owner (or, where a different person, the occupier) is temporarily absent must—

- (a) where entry is by virtue of paragraph (4), leave a copy of the warrant in a prominent place on the premises; and
- (b) leave the premises as effectively secured against unauthorised entry as they were before entry.

(8) An authorised person who enters premises by virtue of this Article may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) open any bundle, container, package, packing case or item of personal luggage, or require the owner or any person in charge of the same to open it in the manner specified by the authorised person;
- (c) make copies of any documents or records (in whatever form they may be held); and
- (d) require any person to—
  - (i) produce any document or record that is in that person's possession or control; and
  - (ii) render any such document or record on a computer system into a visible and legible form, including requiring it to be produced in a form in which it may be taken away.

(9) An authorised person who is, by virtue of paragraph (1) or (4), lawfully on premises may—

- (a) be accompanied by such other persons; and
- (b) bring onto the premises such equipment, vehicles or materials,

as the authorised person considers necessary.

(10) Any person accompanying an authorised person under paragraph (9)(a) may—

- (a) remain on the premises and from time to time re-enter the premises without the authorised person;
- (b) bring onto the premises any equipment or vehicle that the person considers necessary; and
- (c) carry out work on the premises in the manner directed by an authorised person.

(11) Where, on application for a warrant under paragraph (3), the condition specified in paragraph (5)(b) applies, the application may be made without notice.

(12) A warrant granted under this Article continues in force for three months.

(13) An authorised person must, if requested to do so, by the owner (and, where a different person, the occupier) of the premises, produce evidence of their authority before entering premises by virtue of paragraph (1) or (4).