

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 475**

**The Conservation (Natural Habitats, &c.)  
Amendment (Scotland) Regulations 2004**

*Amendments to Part V*

17. In regulation 101 (enforcement)–
- (a) in paragraph (1)(b)–
    - (i) at the beginning insert “search for,”;
    - (ii) for “have in his possession” substitute “may have used, or may have or have had in his possession,”; and
    - (iii) after “found” insert “in or”;
  - (b) after paragraph (1)(b) insert–
    - “(ba) arrest that person;”;
  - (c) in paragraph (2)–
    - (i) after “committing” insert “or has committed”; and
    - (ii) for “dwelling-house” substitute “dwelling or lockfast premises”;
  - (d) in paragraph (3)–
    - (i) for “information” substitute “evidence”; and
    - (ii) for the words from “(with” to “premises” in the second place where it occurs substitute “to enter those premises, if necessary using reasonable force, and search them”; and
  - (e) after paragraph (3) insert–
    - “(4) A warrant under paragraph (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.
    - (5) A constable authorised by virtue of this regulation to enter any land must, if required to do so by the occupier or anyone acting on the occupier’s behalf, produce evidence of the constable’s authority.
    - (6) A constable who enters any land in the exercise of a power conferred by this regulation–
      - (a) may–
        - (i) be accompanied by any other persons; and
        - (ii) take any machinery, other equipment or materials on to the land, for the purpose of assisting the constable in the exercise of that power;
      - (b) may take samples of any articles or substances found there and remove the samples from the land.

(7) A power specified in paragraph (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.

(8) A constable leaving any land which has been entered in exercise of a power conferred by paragraph (2) or by a warrant under paragraph (3), being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it.”