

SCHEDULE 4

ENFORCEMENT POWERS

Powers of entry

2.—(1) Subject to sub-paragraph (4), where an authorised person reasonably suspects, or the Commissioners reasonably suspect, that work is being, or has been, carried out on land in relation to a forestry project and EIA consent has not been granted in respect of that project, an authorised person may, at any reasonable time, enter that land for the purposes of determining—

- (a) that such work is being or has been carried out; and
- (b) whether the forestry project is an EIA forestry project in respect of which EIA consent is required by virtue of regulation 3(1).

(2) Subject to sub-paragraph (4), where work is being, or has been, carried out on land in relation to an EIA forestry project and EIA consent has been granted in respect of that project, an authorised person may at any reasonable time enter that land for the purposes of determining whether there is compliance with any condition subject to which EIA consent is granted, including (where applicable) any condition to take mitigation measures or monitoring measures.

(3) Subject to sub-paragraph (4) where an enforcement notice served under paragraph 3(1) requires measures to be taken (other than the discontinuance of the forestry project) within a specified time period and those measures have not been taken within that time period—

- (a) an authorised person may enter the land to which the enforcement notice relates and take the measures; and
- (b) where the authorised person takes those measures pursuant to head (a), the Commissioners may recover from the notified person any reasonable expenses incurred by the taking of them.

(4) An authorised person must, if so requested, produce evidence of authorisation before entering land for the purposes of this paragraph.