

# NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 of Schedule 5 - Amendments of the 1981 Act**

140. The Countryside and Rights of Way Act 2000 introduced for the first time the ability for wildlife inspectors to check for compliance with licences and enforce certain specified provisions of Part 1 of the 1981 Act alongside the police. Two new sections were introduced into the 1981 Act, sections 19ZA (enforcement: wildlife inspectors) and 19ZB (power to take samples).
141. **Part 1** of Schedule 5 inserts a number of new sections in the 1981 Act, which take the place of existing sections 19ZA and 19ZB (which are being repealed).

#### **Police powers enhanced**

142. **Schedule 5** amends the existing enforcement powers of the police in section 19 of the 1981 Act and, in a new section 19XA inserted in the 1981 Act, gives the police revised powers in connection with taking samples in place of their powers in section 19ZB(1) and (2). (In addition, Part 4 of Schedule 5 extends the police power of entry under warrant currently contained in section 19(3) of the 1981 Act to offences under other Acts -. This is explained below.)

#### **Wildlife inspector powers enhanced**

143. Wildlife inspectors are currently authorised under section 19ZA(1) of the 1981 Act. Under the Schedule 5 amendments, they will in future be authorised under a new section 18A. The powers of the inspectors currently found in sections 19ZA and 19ZB(3) and (4) are re-enacted and extended under new sections 18B and 18C for what are to be known as “Group 1 offences”, and under new sections 18D and 18E for what are to be known as “Group 2 offences”.
144. The “Group 2 offences” are those currently dealt with under sections 19ZA and 19ZB(3) and (4) of the 1981 Act. These offences mainly relate to licensing of captive, ringed and registered birds, and certain other licences for other animals and plants. Many captive birds are kept in dwellings, and therefore section 18D includes a power for inspectors to enter dwellings except in the case of enforcement of section 14 of the 1981 Act (introduction of new species etc.).
145. The “Group 1 offences” are offences not covered by the existing powers of enforcement of the wildlife inspectors under Part 1 of the 1981 Act. These offences mainly deal with animals, birds and plants that are found in the wild and of which it is rare for any person to have possession or control.
146. Offences in connection with all enforcement powers (whether in relation to the police or the wildlife inspectors) appear in new section 19XB; and these offences include

*These notes refer to the Natural Environment and Rural Communities  
Act 2006 (c.16) which received Royal Assent on 30 March 2006*

obstructing a wildlife inspector acting in the exercise of his powers, not providing reasonable assistance, failure to make specimens available for inspection and falsely pretending to be a wildlife inspector.

147. Finally, paragraph 5 of Schedule 5 amends section 21 of the 1981, which sets out the penalties for the offences in new section 19XB.