
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 7

ENFORCEMENT

Powers in relation to specimens and samples

Powers in relation to samples: constables

113.—(1) If a constable suspects with reasonable cause that a specimen found in the exercise of powers conferred by this Part is one in respect of which an offence specified in paragraph (5) is being or has been committed, the constable may require a sample to be taken from the specimen.

(2) If a constable suspects with reasonable cause that an offence specified in paragraph (5) is being or has been committed in respect of any specimen (“the relevant specimen”), the constable may require any person to make available for the taking of a sample any other specimen in that person’s possession or control which—

- (a) is alleged to be, or
- (b) the constable suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(3) Where a sample from a live animal or plant is to be taken, any person who has possession or control of the animal or plant must give the person taking the sample such assistance as that person may reasonably require for that purpose.

(4) This regulation is subject to regulation 115 (restrictions on taking samples from live specimens).

(5) The offences specified for the purposes of this regulation are—

- (a) a species offence;
- (b) an offence under regulation 57 (false statements made for obtaining licence), where that offence relates to the obtaining of a licence under regulation 53 (licences for certain activities relating to animals or plants); and
- (c) an offence under regulation 116(1) or (2) (attempts and possession of means of committing offence).

Powers in relation to specimens and samples: wildlife inspectors

114.—(1) The powers conferred by this regulation are exercisable where a wildlife inspector has entered premises for a purpose mentioned in paragraph (1)(a) or (b) of regulation 110 (powers of entry: wildlife inspectors).

(2) The wildlife inspector, or accompanying veterinary surgeon, may—

- (a) for any such purpose, examine any specimen; and
 - (b) subject to paragraph (3) and regulation 115 (restrictions on taking samples from live specimens), take a sample from it.
- (3) No sample may be taken under paragraph (2) from a live animal or plant except for the purpose of establishing its ancestry or identity.
- (4) The wildlife inspector may require an occupier of the premises to give such assistance as is reasonable in the circumstances for the purpose of—
- (a) making an examination under paragraph (2)(a); or
 - (b) taking a sample under paragraph (2)(b).
- (5) The wildlife inspector may take and remove from the premises a specimen which is not a live animal or plant, if there are reasonable grounds for believing that it is evidence of a species offence.

Restrictions on taking samples from live specimens

115.—(1) No sample may be taken by virtue of regulation 113 or 114 from a live animal except by a veterinary surgeon.

(2) No sample may be taken by virtue of those regulations from a live animal or plant unless the person taking it is satisfied on reasonable grounds that taking it will not cause lasting harm to the specimen.