
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 7

ENFORCEMENT

Codes of practice

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- 120.**—(1) The appropriate authority may—
- (a) issue a code of practice in connection with any of the provisions of regulations 108 (wildlife inspectors), 110 (powers of entry: wildlife inspectors), 114 (powers in relation to specimens and samples: wildlife inspectors), 115 (restrictions on taking samples from live specimens), 118 (obstruction in connection with constables' powers to take samples) and 119 (offences in connection with wildlife inspectors' enforcement powers); and
 - (b) revise or replace such a code.
- (2) In discharging any function under the regulations specified in paragraph (1)(a)—
- (a) a wildlife inspector authorised by the Secretary of State must have regard to any relevant provision of a code issued by the Secretary of State;
 - (b) a wildlife inspector authorised by the Welsh Ministers must have regard to any relevant provision of a code issued by them.
- (3) But a wildlife inspector's failure to have regard to any provision of a code does not make that inspector liable to criminal or civil proceedings.
- (4) A code—
- (a) is admissible in evidence in any proceedings; and
 - (b) must be taken into account by any court in any case in which it appears to the court to be relevant.