

Status: Point in time view as at 01/03/2021.

Changes to legislation: Wildlife and Countryside Act 1981, PART 4 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 9A

SPECIES CONTROL AGREEMENTS AND ORDERS (ENGLAND AND WALES)

Textual Amendments

- F1** Sch. 9A inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), ss. **23(3)**, 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

PART 4

POWERS OF ENTRY

Powers of entry

- 21 (1) A person who is authorised to do so may enter any premises to—
- assist an environmental authority to determine whether to offer to enter into a species agreement with a person,
 - assist an environmental authority to determine whether to make or revoke a species control order,
 - investigate suspected non-compliance with a species control agreement or a species control order,
 - carry out species control operations for an environmental authority under a species control order,
 - place a notice as specified in paragraph 10(2)(d)(i) or 14(2) (no identifiable owner), or
 - carry out species control operations or work pursuant to paragraph 18(4).

This is subject to the other provisions of this Schedule.

- (2) A person may not enter premises under sub-paragraph (1)(a) or (b) with a view to establishing whether a species is present unless the environmental authority has reasonable grounds for suspecting that it is.

Authorisation by justice of the peace

- 22 (1) To enter premises under paragraph 21 a person must be authorised by a warrant issued by a justice of the peace where—
- the premises consist of a dwelling or a garden, yard, outbuildings or other land used or enjoyed wholly with a dwelling,
 - admission to the premises has been refused by an owner or refusal is reasonably apprehended,
 - the premises are unoccupied,

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- (d) the owner is temporarily absent,
 - (e) giving notice would defeat the purpose of entry,
 - (f) entry is to carry out species control operations for an environmental authority under an order under paragraph 10(2)(c) (emergency),
 - (g) entry is to carry out species control operations for an environmental authority under an order under paragraph 10(2)(d) (no identifiable owner),
 - (h) entry is to place a notice as specified in paragraph 10(2)(d)(i) or 14(2), or
 - (i) entry is to carry out operations or work pursuant to paragraph 18(4) which the environmental authority considers to be urgently necessary.
- (2) A justice of the peace may not grant a warrant—
- (a) in the circumstances in sub-paragraph (1)(a) to (d) unless satisfied that reasonable notice of the proposed entry has been given to all owners of the premises of whom the environmental authority is aware, or
 - (b) in the circumstances in paragraph (1)(g) unless satisfied that the requirement in paragraph 14(2) (notice) has been met.
- (3) For the purposes of sub-paragraph (2)(a) less than 48 hours' notice is not reasonable.
- (4) A warrant may authorise a person to use reasonable force if necessary, but a person so authorised—
- (a) must be accompanied by a constable when doing so, and
 - (b) may not use force against an individual.

Authorisation by environmental authority

- 23 (1) To enter premises under paragraph 21 in circumstances other than those specified in paragraph 22(1), a person must be authorised in writing by the environmental authority.
- (2) A person authorised by an environmental authority may not demand admission as of right to any premises unless reasonable notice has been given to all owners of the premises of whom the authority is aware.
- (3) For these purposes less than 48 hours' notice is not reasonable.

Exercise of right of entry

- 24 (1) A right of entry under paragraph 21 is exercisable at any reasonable time.
- (2) A person authorised under paragraph 22 or 23 to enter premises must, if so required before entering, produce evidence of his or her warrant or other authorisation and state the purpose of entry.
- (3) A person entering premises under paragraph 21 may—
- (a) take on to the premises such other persons as may be necessary;
 - (b) take any equipment, machinery or materials on to the premises;
 - (c) take samples of anything in or on the premises.
- (4) A person who enters premises under paragraph 21 which are unoccupied or from which the owner is temporarily absent must, on departure, leave them as effectively secured as they were on entry.]

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