



Pesticides Act 1998

1998 CHAPTER 26

2 Enforcement of controls on pesticides

- (1) In section 19 of the Food and Environment Protection Act 1985 (enforcement powers), insert after subsection (6)—

“(6A) A notice under subsection (5) or (6) above may at any time be withdrawn by a person so authorised.

(6B) Withdrawal of a notice does not affect the power to serve a fresh notice under subsection (5) or (6).”

- (2) In Schedule 2 to the 1985 Act (officers and their powers), insert after paragraph 2—

“Power to question

- 2A (1) If an officer is carrying out functions conferred by Part III of this Act, he may require a person whom he has reasonable cause to believe is able to give information which will assist him in carrying out those functions—
- to answer such questions as the officer thinks it appropriate to ask; and
 - to sign a declaration of the truth of his answers.
- (2) Any person to whom questions are put under this paragraph may nominate a person to be with him when he gives his answers.
- (3) When a person answers any such questions the only other persons who may be present (apart from the questioner) are—
- the person (if any) nominated under sub-paragraph (2); and
 - any person authorised by the officer to be present.
- (4) A person is not to be excused from complying with a requirement under sub-paragraph (1) on the ground that to do so might incriminate him or his spouse of an offence; but a statement or admission made in complying is not admissible in evidence against either of them in proceedings for any offence.”

Status: This is the original version (as it was originally enacted).

- (3) The provisions of paragraph 4 of Schedule 2 to the 1985 Act shall become sub-paragraph (1) of that paragraph and at the end add—
- “(2) An officer exercising any power of entry conferred by Part III of this Act may photograph anything which he has reasonable cause to believe may be relevant in connection with the exercise of his functions under that Part.
- (3) Nothing in sub-paragraph (2) affects the powers conferred by sub-paragraph (1).”