



# Glue Traps (Offences) Act 2022

## 2022 CHAPTER 26

PROSPECTIVE

### *Enforcement and other powers*

#### **4 Enforcement powers of constables**

- (1) If a justice of the peace is satisfied by information on oath that—
  - (a) there are reasonable grounds for believing that an offence under [section 1](#) is being or has been committed, and
  - (b) evidence of the offence, or any glue trap which may be liable to be forfeited under [section 1\(10\)](#), may be found on any premises,the justice of the peace may grant a warrant to any constable to enter and search those premises, if necessary using reasonable force, for the purpose of exercising a power conferred by subsection (2).
- (2) After a constable has entered premises under [subsection \(1\)](#), the constable may seize and detain for the purposes of proceedings under this Act—
  - (a) anything the constable reasonably believes to be evidence of the offence, or
  - (b) any glue trap which may be liable to be forfeited under [section 1\(10\)](#).
- (3) A constable may, for the purpose of assisting the constable in exercising a power conferred by subsection (2), when entering premises under [subsection \(1\)](#), take with them—
  - (a) any other person, and
  - (b) any equipment or materials.

#### **Commencement Information**

- II** S. 4 not in force at Royal Assent, see [s. 10\(2\)](#)

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Glue Traps (Offences) Act 2022, Cross Heading: Enforcement and other powers. (See end of Document for details)*

## **5 Enforcement powers of authorised inspectors**

- (1) An “authorised inspector” is a person authorised in writing under [this subsection](#) by the Secretary of State.
- (2) An authorisation under [subsection \(1\)](#) is subject to any conditions or limitations specified in it.
- (3) An authorised inspector may, at any reasonable time, enter and inspect premises (other than a dwelling) occupied by any pest controller who is authorised by a glue trap licence, for the purposes of—
  - (a) verifying any statement or representation made, or document or information provided, by the pest controller in connection with an application for the grant or modification of a glue trap licence, or
  - (b) ascertaining whether any condition to which a glue trap licence is subject has been complied with.
- (4) An authorised inspector must produce evidence of the inspector’s authorisation under [subsection \(1\)](#) before entering any premises under [subsection \(3\)](#), if requested to do so by a person entitled to be on the premises.
- (5) After an inspector has entered any premises under [subsection \(3\)](#), the inspector may for a purpose mentioned in [subsection \(3\)\(a\)](#) or [\(b\)](#)—
  - (a) inspect any document, record or other thing found on the premises;
  - (b) take a sample from anything found on the premises;
  - (c) question any person on the premises;
  - (d) require any person on the premises to give the inspector such assistance as is reasonable in the circumstances;
  - (e) take a photograph or video recording of anything that is found on the premises;
  - (f) take copies of any document or record on the premises (in whatever form it is held);
  - (g) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;
  - (h) seize and detain anything which the inspector reasonably believes to be evidence of the commission of an offence under [section 3](#) or non-compliance with any condition to which a glue trap licence is subject.
- (6) [Subsection \(5\)\(h\)](#) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of section 10 of the Police and Criminal Evidence Act 1984).
- (7) The inspector must, on request, provide a record of anything that is seized under [subsection \(5\)\(h\)](#) to any person who—
  - (a) is an occupier of the premises, or
  - (b) has possession or control of the thing seized immediately before its seizure.
- (8) Anything which has been seized in the exercise of a power under [subsection \(5\)\(h\)](#) may be retained so long as is necessary in all the circumstances, including in particular—
  - (a) for use as evidence in proceedings under this Act, or
  - (b) for forensic examination or for investigation in connection with an offence under this Act.

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- (9) But nothing may be retained for either of the purposes mentioned in [subsection \(8\)](#) if a photograph, video recording or a copy would be sufficient for that purpose.
- (10) The authorised inspector may, for the purpose of assisting the inspector in exercising any of the powers conferred by [subsection \(5\)](#), when entering premises under [subsection \(3\)](#) take with them—
  - (a) any other person, and
  - (b) any equipment or materials.
- (11) A person taken onto premises under [subsection \(10\)](#) may exercise any power conferred by [subsection \(5\)](#) if the person is in the company, and under the supervision, of the inspector.
- (12) In [subsection \(3\)](#), “dwelling” includes any yard, garden, garage or outhouse which is used for purposes in connection with a dwelling.

#### Commencement Information

**I2** S. 5 not in force at Royal Assent, see [s. 10\(2\)](#)

## 6 Offences in connection with authorised inspectors

- (1) A person who intentionally obstructs an authorised inspector acting in the exercise of powers conferred by [section 5](#) commits an offence.
- (2) A person who fails without reasonable excuse to comply with a requirement for assistance reasonably made under [section 5\(5\)\(d\)](#) commits an offence.
- (3) A person who, with intent to deceive, falsely pretends to be an authorised inspector commits an offence.
- (4) A person guilty of an offence under [subsection \(1\)](#) or (2) is liable on summary conviction to a fine.
- (5) A person guilty of an offence under [subsection \(3\)](#) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding [<sup>F1</sup>the general limit in a magistrates’ court] or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (6) In relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in [subsection \(5\)\(a\)](#) to [<sup>F2</sup>the general limit in a magistrates’ court] is to be read as a reference to six months.

#### Textual Amendments

- F1** Words in [s. 6\(5\)\(a\)](#) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in [s. 6\(6\)](#) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

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#### Commencement Information

**I3** S. 6 not in force at Royal Assent, see [s. 10\(2\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Glue Traps (Offences) Act 2022, Cross Heading: Enforcement and other powers.