
STATUTORY INSTRUMENTS

2019 No. 527

**The Invasive Alien Species (Enforcement
and Permitting) Order 2019**

PART 5

Enforcement

Powers of entry

24.—(1) Where an enforcement officer has reasonable grounds to suspect a specimen is being kept at premises, other than premises used wholly or mainly as a private dwelling, the enforcement officer may, at a reasonable time and on giving reasonable notice, enter, search and inspect those premises, for the purpose of—

- (a) ascertaining whether an offence under this Order is being or has been committed;
- (b) verifying information supplied by a person for the purpose of obtaining a permit or a licence; or
- (c) ascertaining whether a condition of a permit or of a licence is being or has been complied with.

(2) The requirement to give notice does not apply—

- (a) where reasonable efforts to agree an appointment have failed;
- (b) where the enforcement officer reasonably believes that giving notice would defeat the object of the entry;
- (c) where the enforcement officer has reasonable grounds for suspecting that an offence under this Order is being or has been committed; or
- (d) in an emergency.

(3) Paragraph (4) applies where—

- (a) on an application made by an enforcement officer, or a justice of the peace (in England or Wales), sheriff or summary sheriff (in Scotland) or lay magistrate (in Northern Ireland) is satisfied that—

- (i) there are reasonable grounds to suspect that an offence under this Order is being or has been committed and that evidence of the offence may be found on any premises; or
- (ii) there is a need to ascertain whether a condition of a permit or of a licence is being or has been complied with; and

(b) one of the conditions specified in paragraph (5) applies.

(4) Where this paragraph applies, the justice of the peace, sheriff or summary sheriff, or lay magistrate (as the case may be) may issue a warrant authorising an enforcement officer to enter, search and inspect premises, and such a warrant may authorise persons to accompany the enforcement officer who is executing it.

- (5) The conditions referred to in paragraph (3)(b) are that—
 - (a) entry to the premises has been refused, or is likely to be refused, and notice of the intention to apply for a warrant has been given to the occupier; or
 - (b) one of the grounds specified in paragraph (6) justifying the absence of such notice applies.
- (6) The grounds justifying absence of notice are—
 - (a) asking for admission to the premises, or giving such notice, would interfere with the purpose or effectiveness of the entry;
 - (b) entry is required urgently; or
 - (c) the premises are unoccupied or the occupier is temporarily absent.
- (7) An enforcement officer entering any premises which are unoccupied, or from which the occupier is temporarily absent, must—
 - (a) where entry is by virtue of paragraph (4), leave a copy of the warrant in a prominent place on the premises; and
 - (b) leave the premises as effectively secured against unauthorised entry as they were before entry.
- (8) An enforcement officer who enters premises by virtue of this article may—
 - (a) examine, photograph or mark any part of the premises or any object on the premises;
 - (b) open any bundle, container, package, packing case or item of personal luggage, or require the owner or any person in charge of it to open it in the manner specified by the enforcement officer;
 - (c) make copies of any documents or records (in whatever form they may be held); and
 - (d) require any person to—
 - (i) produce any document or record that is in that person's possession or control; and
 - (ii) render any such document or record on a computer system into a visible and legible form, including requiring it to be produced in a form in which it may be taken away.
- (9) An enforcement officer who is, by virtue of paragraph (1) or (4), lawfully on premises may—
 - (a) be accompanied by such other persons, and
 - (b) bring onto the premises such equipment, vehicles or materials,as the enforcement officer considers necessary.
- (10) A person accompanying an enforcement officer under paragraph (9)(a) may—
 - (a) remain on the premises and from time to time re-enter the premises without the enforcement officer;
 - (b) bring onto the premises any equipment or vehicle that the person considers necessary; and
 - (c) carry out work on the premises in the manner directed by an enforcement officer.
- (11) A warrant granted under this article continues in force for three months.
- (12) An enforcement officer must, if requested to do so, produce evidence of his or her authority before entering premises by virtue of paragraph (1) or (4).