

SCHEDULE 3

Regulation 16(1)

POWERS OF INSPECTORS

1. The powers of an inspector are—
 - (a) to enter, at any reasonable time (or, in an emergency, at any time) any premises which the inspector has reason to believe it is necessary to enter;
 - (b) on entering any premises by virtue of sub-paragraph (a), to—
 - (i) be accompanied by any other inspector or person; and
 - (ii) take any equipment or materials,as the inspector considers necessary for the purpose for which entry is made;
 - (c) to make such examination and investigation as the inspector considers necessary, and for this purpose to install or maintain monitoring or other apparatus on the premises;
 - (d) to direct that the premises or any part of them, or any thing in or on them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);
 - (e) to take such measurements and photographs and make such recordings as the inspector considers necessary for the purpose of any examination or investigation under sub-paragraph (c);
 - (f) to take samples or cause samples to be taken of any thing found in or on the premises or in any air, water, land or seabed (including the subsoil of the seabed) in, or in the vicinity of, the premises;
 - (g) subject to paragraphs 2 and 3, in the case of any thing found in or on the premises, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it, unless that is necessary);
 - (h) in the case of any thing referred to in sub-paragraph (g), to take possession of it and detain it for so long as is necessary for all or any of the following purposes—
 - (i) to examine it, or cause it to be examined, and do to it anything which the inspector has power to do under that sub-paragraph;
 - (ii) to ensure that it is not tampered with before examination of it is completed; and
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations or under Chapter 3.
 - (i) to require any person whom the inspector has reasonable cause to believe is able to give any information relevant to any examination or investigation under sub-paragraph (c) to provide the inspector with such information as the inspector may reasonably require for the purpose of any such examination or investigation;
 - (j) to require the production of (or where the information is recorded in computerised form, the furnishing of extracts from), and to inspect and take copies of (or of any entry in)—
 - (i) any records which are required to be kept by virtue of any provision of a licence or storage permit; or
 - (ii) any records which the inspector considers it necessary to see for the purposes of an examination or investigation under sub-paragraph (c); and
 - (k) to require any person to afford the inspector such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable the inspector to exercise any of the powers conferred on the inspector by these Regulations and this Schedule.

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

2. Where an inspector proposes to exercise the power conferred by paragraph 1(g) in the case of any thing found in or on any premises, the inspector shall, if so requested by a person who at the time is present on and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

3. Before exercising the power conferred by paragraph 1(g), an inspector shall consult—

- (a) such persons having duties on the premises where the thing is to be dismantled or subjected to the process or test; and
- (b) such other persons,

as appear to the inspector appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which the inspector proposes to do or cause to be done under the power.