

SCHEDULE 1

Regulation 8

Powers of inspectors

Powers of entry

1.—(1) An inspector may, on producing (if so required) a duly authenticated authorisation, enter any premises at any reasonable hour for the purpose of ensuring that the provisions of these Regulations are being complied with.

(2) Admission to any premises used only as a private dwelling house may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier, or the entry is in accordance with a warrant granted under this paragraph.

(3) If a justice, on receipt of sworn information in writing, is satisfied that there are reasonable grounds for entry onto any premises for the purposes of the enforcement of these Regulations, and either—

- (a) admission has been refused, or a refusal is expected, and (in either case) that notice to apply for a warrant has been given to the occupier;
- (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the justice may by signed warrant, authorise the inspector to enter the premises, if need be, by reasonable force.

(4) A warrant under this paragraph is valid for the period of one month from the date upon which it is signed.

(5) If an inspector enters any unoccupied premises, the inspector must leave them as effectively secured against unauthorised entry as the inspector found them.

(6) In this paragraph—

“justice” means a sheriff, stipendiary magistrate or justice of the peace; and

“premises” includes any place, vehicle, trailer, container, stall, moveable structure, ship, vessel, marine structure, hovercraft or aircraft.

Powers of an inspector

2.—(1) An inspector entering premises under paragraph 1 may—

- (a) take onto those premises any person, equipment or materials that the inspector considers necessary for the enforcement of these Regulations;
- (b) open any container;
- (c) carry out any searches, inspections, measurements and tests;
- (d) take samples;
- (e) have access to, and inspect and copy any books, documents or records (in whatever form they are held) relating to these Regulations and remove them to enable them to be copied;
- (f) photograph or copy anything whose production the inspector has power to require under sub-paragraph (e);
- (g) photograph anything which the inspector has reasonable cause to believe may be relevant in connection with the enforcement of these Regulations;

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(h) seize any computers and associated equipment for the purpose of copying documents provided that they are returned as soon as practicable.

(2) Any person who accompanies an inspector in accordance with this paragraph may perform any of the inspector's functions but only under the supervision of that inspector.

Power of officer to use reasonable force

3. An inspector may use reasonable force, if necessary, in the performance of any of his or her functions under these Regulations.

Seizure or disposal of products

4. If any product to which Regulation 396/2005 applies contains a quantity of pesticide residue greater than that permitted under that Regulation, an inspector may—

- (a) seize or dispose of the consignment containing that product, or any part of it, or require the owner or person appearing to be in charge of it to dispose of it; or
- (b) direct the owner or any person appearing to be in charge of it to take such remedial action as appears to the inspector to be necessary.

Information notice

5. An inspector may, by notice served on any person, require that person to provide such information as is specified in the notice in such form and within such period following service of the notice or at such time as is so specified.

Enforcement and prohibition notices

6.—(1) An inspector may serve a notice on any person who contravenes, or who the inspector has reasonable grounds to suspect may contravene, these Regulations—

- (a) requiring that person to act in accordance with these Regulations; or
- (b) prohibiting that person from acting in contravention of these Regulations.

(2) The notice must give reasons for serving it and, if appropriate, specify what action should be taken and give time limits.

Compliance with notices

7.—(1) It is an offence for any person on whom a notice is served under these Regulations to fail to comply with the provisions of that notice.

(2) Such a notice must be complied with at the expense of the person on whom it is served and, if it is not complied with, an inspector may arrange for it to be complied with at the expense of that person.