
STATUTORY INSTRUMENTS

2009 No. 3344

The Eels (England and Wales) Regulations 2009

PART 6

Enforcement and penalties

Entry and inspection of land etc

26.—(1) Any person designated in writing by the Agency to enforce these Regulations—

- (a) may enter and inspect any land, premises, dam, diversion structure, eel pass, fish pass or obstruction at any reasonable time for the purposes of administering and enforcing these Regulations;
- (b) may be accompanied by any person, equipment or vehicle as that person considers necessary;
- (c) may not enter any premises which are a dwelling unless a justice of the peace has issued a warrant authorising them to do so.

(2) A justice of the peace may only issue such a warrant if satisfied that there is good reason to believe that the person designated under paragraph (1) will not be able to enforce these Regulations without the warrant.

(3) A warrant issued under paragraph (2) remains in force—

- (a) for one month; or
- (b) until the purpose for which it is issued has been fulfilled,

whichever is the sooner.

(4) A person designated by the Agency under paragraph (1) may require any person—

- (a) to produce any document or record that is in that person's possession or control;
- (b) to 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.

Obstruction

27. It is an offence—

- (a) intentionally to obstruct any person acting in the execution of these Regulations;
- (b) to fail without reasonable cause to give to such person any assistance or information which that person may reasonably require for the purposes of that person's functions under these Regulations; or
- (c) knowingly or recklessly to give false or misleading information to such person.

Penalties

28.—(1) A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

(2) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on that person's part,

the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with their functions of management as if they were a director of the body.

(4) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.