
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 7

ENFORCEMENT

Powers of entry

Powers of entry: constables

109.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence specified in paragraph (4), the constable may, for the purposes of exercising the powers conferred by regulation 112 (constables' powers of search, etc.) or arresting a person in accordance with section 24 of the Police and Criminal Evidence Act 1984⁽¹⁾ (arrest without warrant: constables) for such an offence, enter any premises other than a dwelling.

(2) A constable may—

- (a) be accompanied by any other person that the constable considers necessary; and
- (b) bring any equipment or materials that the constable considers necessary.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for suspecting that an offence specified in paragraph (4) has been committed and that evidence of the offence may be found on any premises, the justice may by signed warrant authorise a constable to enter and search those premises for the purpose of obtaining that evidence.

(4) The offences specified for the purposes of this regulation are—

- (a) a species offence;
- (b) an offence under regulation 52 (introduction of new species from ships);
- (c) an offence under regulation 57 (false statements made for obtaining licence); and
- (d) an offence under regulation 116(1) or (2) (attempts and possession of means of committing offence).

⁽¹⁾ 1984 c. 60; section 24 was substituted by the Serious Organised Crime and Police Act 2005 (c. 15), section 110(1).