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STATUTORY INSTRUMENTS

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**2017 No. 1013**

**The Conservation of Offshore Marine  
Habitats and Species Regulations 2017**

**PART 6**

**ENFORCEMENT AND SUPPLEMENTARY  
PROVISION RELATING TO CRIMINAL OFFENCES**

*Enforcement*

**Powers of boarding, entry and inspection**

**60.**—(1) For the purposes of ascertaining whether an offence under these Regulations is being or has been committed on or from a ship to which this paragraph applies or on or from an offshore marine installation, a wildlife officer may at any time, and (if required to do so) upon producing duly authenticated authorisation, board and inspect the ship or offshore marine installation in question.

(2) Paragraph (1) applies to—

(a) a ship, wherever it may be—

- (i) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995<sup>(1)</sup>;
- (ii) which, as a Government ship, is registered in the United Kingdom in pursuance of an Order in Council under section 308 of that Act;
- (iii) which is within section 1(1)(d) of that Act and is not a third country ship; or
- (iv) which is registered under the law of Gibraltar;

(b) any other ship within British fishery limits; or

(c) an offshore marine installation.

(3) A wildlife officer may at all reasonable hours, and (if required to do so) upon producing duly authenticated authorisation, enter and inspect any premises, other than any premises referred to in paragraph (2), in the United Kingdom for the purpose of ascertaining whether an offence under these Regulations has been committed.

(4) In relation to premises which are a dwelling, the power conferred by paragraph (3) may only be exercised on the grant of a warrant by a justice.

(5) A justice may only issue a warrant under paragraph (4) if, on an application made by a wildlife officer, the justice is satisfied—

- (a) that the officer has reasonable grounds for believing that there is material in the dwelling which is likely to be of substantial value (whether in itself or together with other material) to the investigation of an offence under these Regulations; and

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(1) 1995 c. 21. Section 15 has been amended by S.I. 2002/794 and 2015/664.

(b) that—

- (i) it is not practicable to communicate with any person entitled to grant entry to the dwelling;
- (ii) a person entitled to grant entry to the dwelling has unreasonably refused a wildlife officer entry;
- (iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or
- (iv) the purpose of entry may be frustrated or seriously prejudiced unless a wildlife officer arriving at the dwelling can secure immediate entry to it.

(6) Sections 15 and 16 of the Police and Criminal Evidence Act 1984<sup>(2)</sup> (which respectively relate to safeguards in respect of warrants and the execution of warrants) and articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989<sup>(3)</sup> (which make provision corresponding to those sections) have effect (in relation to England and Wales and in relation to Northern Ireland respectively) in relation to warrants issued to wildlife officers under this regulation as they have effect in relation to warrants issued to constables.

(7) In this regulation—

a “justice” means—

- (a) in relation to England and Wales and Northern Ireland, a justice of the peace; and
- (b) in relation to Scotland, a sheriff, stipendiary magistrate or justice of the peace;

“the United Kingdom” means the United Kingdom (including its internal waters) and the territorial sea adjacent to the United Kingdom;

“Government Ship” has the meaning given in section 308 of the Merchant Shipping Act 1995.

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(2) 1984 c. 60. Section 15 was amended by Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15), sections 113 and 114; and by S.I. 2005/3496. Section 16 was amended by section 2 of the Criminal Justice Act 2003 (c. 44) and the Serious Organised Crime and Police Act 2005, sections 113 and 114 and by S.I. 2005/3496.

(3) S.I. 1989/1341 (N.I. 12).