
STATUTORY INSTRUMENTS

2018 No. 703

The Control of Trade in Endangered Species Regulations 2018

Powers of entry

8.—(1) If, on an application made by a constable, a justice is satisfied that there are reasonable grounds for believing—

- (a) that there is a specimen that has been imported unlawfully or acquired unlawfully on premises specified in the application, or
- (b) that an offence under these Regulations has been or is being committed and that evidence of the offence may be found on any premises,

and that any of the conditions specified in paragraph (2) applies, a warrant may be issued authorising a constable, and any other persons as the constable thinks necessary, to enter and search those premises.

(2) The conditions referred to in paragraph (1) are that—

- (a) admission to the premises has been refused;
- (b) refusal of admission is anticipated;
- (c) the case is one of urgency;
- (d) an application for admission to the premises would defeat the object of the entry.

(3) An authorised person may, at any reasonable time and (if required to do so) upon producing evidence that the person is so authorised, enter and inspect any premises for the purpose of—

- (a) ascertaining whether contrary to Article 8 of the Principal Regulation, the premises are being used for any of the following activities in relation to that specimen—
 - (i) purchase;
 - (ii) offering to purchase;
 - (iii) acquisition for commercial purposes;
 - (iv) use for commercial gain;
 - (v) display to the public for commercial purposes;
 - (vi) sale;
 - (vii) keeping for sale;
 - (viii) offering for sale;
 - (ix) transporting for sale;
- (b) verifying information supplied by a person for the purpose of obtaining a permit or certificate;
- (c) ascertaining whether a live specimen is being kept on premises at the address specified in an import permit, or a certificate issued under Article 10 of the Principal Regulation for that specimen, as that at which the specimen is to be kept;
- (d) ascertaining whether any condition of a permit or certificate has been or is being observed.

(4) Nothing in paragraph (3) confers power to enter a dwelling.

- (5) A constable or an authorised person who is, by virtue of this regulation, lawfully on any premises may, in order to determine the identity, ancestry or (in the case of a specimen which is not living) age of any specimen, require—
- (a) a sample of blood or tissue to be taken from a live animal specimen, provided that—
 - (i) the sample is taken by a registered veterinary surgeon or a suitably trained authorised person, and
 - (ii) taking the sample will not cause lasting harm to the specimen;
 - (b) a non-invasive sample to be taken from any other specimen by a suitably trained authorised person.
- (6) A person must not—
- (a) obstruct an authorised person acting in accordance with the powers conferred by this regulation;
 - (b) with intent to deceive, pretend to be an authorised person.
- (7) In this regulation—
- “authorised person” means a person duly authorised in writing by the Secretary of State for the purposes of this regulation;
- “justice” means—
- (a) in England and Wales, a justice of the peace;
 - (b) in Scotland, a sheriff, summary sheriff or justice of the peace;
 - (c) in Northern Ireland, a lay magistrate;
- “registered veterinary surgeon” means a person who is registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966 ^{M1}.

Marginal Citations

M1 1966 c.36; section 2 was amended by S.I. 2003/2919, 2008/1824.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Trade in Endangered Species Regulations 2018, Section 8.