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STATUTORY INSTRUMENTS

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**2020 No. 552**

**The Official Controls (Plant  
Protection Products) Regulations 2020**

**PART 4**

**Enforcement and penalties**

**General powers**

**12.—(1)** An authorised person exercising powers of entry pursuant to regulation 9(1), or in accordance with a warrant granted under regulation 10(1), may—

- (a) search for any item, if necessary using reasonable force;
- (b) open or examine, or both, anything that is on, attached to or otherwise forms part of the premises, if necessary using reasonable force;
- (c) take with them any persons and equipment or materials they consider necessary for the enforcement of these Regulations or the Official Controls Regulations;
- (d) open any container, if necessary using reasonable force;
- (e) carry out any searches, inspections, measurements and tests;
- (f) take samples;
- (g) have access to, and inspect and copy any documents, books or records (in whatever form they are held) which the authorised person has reason to believe may be relevant in connection with the enforcement of these Regulations or the Official Controls Regulations and remove them to enable them to be copied;
- (h) photograph or copy anything which the authorised person has reasonable cause to believe may be relevant in connection with the enforcement of these Regulations or the Official Controls Regulations; and
- (i) 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 authorised person in accordance with paragraph (1)(c) may perform any of the authorised person's functions but only under the supervision of the authorised person.

(3) Where an authorised person takes samples under paragraph (1)(f) the authorised person may only take an amount that is reasonably needed for the performance of their functions under these Regulations or the Official Controls Regulations.

(4) Nothing in paragraphs (1)(g), (h) or (i) compels the production by any person of a document which they would be entitled to refuse to produce on grounds of legal professional privilege in proceedings in the High Court in England and Wales, or on grounds of confidentiality of communications in proceedings in the Court of Session in Scotland.

(5) An authorised person may require any person to give the authorised person information as to the formulation, effects or use of any substance.

(6) An authorised person performing functions under these Regulations or the Official Controls Regulations may require a person whom the authorised person has reasonable cause to believe is able to give information which will assist in the execution of these Regulations or the Official Controls Regulations—

- (a) to answer such questions as the authorised person thinks it appropriate to ask; and
- (b) to sign a declaration of the truth of the answers provided.

(7) Any person to whom the questions are put under paragraph (6) may nominate a person to be with them when they answer.

(8) When a person answers any such questions the only other persons who may be present, apart from the questioner, are—

- (a) the person (if any) nominated under paragraph (7); and
- (b) any person authorised by the authorised person to be present.

(9) No answer given by a person in pursuance of a requirement imposed under paragraph (6) is admissible in evidence in Great Britain against that person or their spouse or civil partner in proceedings for any offence.

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**Commencement Information**

**II** Reg. 12 in force at 22.6.2020, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Controls (Plant Protection Products) Regulations 2020, Section 12.