



# Environment Agency

**Number** 064308

**Notice of Powers and Rights**

 Police and Criminal Evidence Act 1984,  
Code B

**Location searched**

A 5 Spares	
Wattley Rd	
Rotherham	
South Yokes	
Postcode:	561 1LZ
Date:	12/01/16
Time:	11.45

**Authorisation**

- ☐ Statutory Authority with consent
 ☒ Statutory Authority without consent
 ☐ Magistrates Warrant

**Statutory Power**

- |                                                                                                                    |                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Section 108 Environment Act 1995                                               | <input type="checkbox"/> Regulation 22: The End of Life Vehicles (Producer Responsibility) Regulations 2005 |
| <input type="checkbox"/> Section 109 Environment Act 1995                                                          | <input type="checkbox"/> Regulation 72: The Waste Electrical and Electronic Equipment Regulations 2006      |
| <input type="checkbox"/> Sections 5 and 6: Control of Pollution (Amendment) Act 1989                               | <input type="checkbox"/> Regulation 88: Waste Batteries and Accumulators Regulations 2009                   |
| <input type="checkbox"/> Regulation 12: Landfill Allowances and Trading Scheme (England) Regulations 2004          | <input type="checkbox"/> Regulation 31: Environmental Damage (Prevention and Remediation) Regulations 2009  |
| <input type="checkbox"/> Regulation 7(6): Landfill Allowances Scheme (Wales) Regulations 2004                      | <input type="checkbox"/> Schedule 6: REACH Enforcement Regulations 2008                                     |
| <input type="checkbox"/> Regulation 35: The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 | <input type="checkbox"/> Schedule 9: Carbon Reduction Commitment Energy Efficiency Scheme Order 2010        |

**Officer in charge of the search**

Name or warrant number:	Josh Tinsley
Environment Agency address:	Bowbridge Close
	Brookmarsh Business Park
	Templeborough
	Rotherham
Postcode:	S60 1BY

**Telephone: 08708 506506**
**A summary of the powers and rights is given overleaf**

## Summary of Powers and rights

### **Powers under Section 108 Environment Act 1995, Regulation 31: The Environmental Damage (Prevention and Remediation) Regulations 2009 & Schedule 6: The REACH Enforcement Regulations 2008**

An authorised officer, for the purpose of

- determining whether and how any power or duty conferred on the Environment Agency should be exercised or performed or
- exercising any such power or duty or
- ascertaining whether any pollution control provision is being or has been complied with may
- enter premises (including waste vessels under the Transfrontier Shipment Regulations 2007) with other officers and equipment if need be by force
- make necessary examinations and investigations, and direct that premises or property remain undisturbed for that purpose
- take measurements, photographs, recordings and samples
- require the giving or production of information relevant to any examination or investigation
- require another to give such facilities or assistance as are within that persons control or responsibility

### **In the case of section 108 of the Environment Act 1995 and The Environmental Damage (Prevention and Remediation) Regulations 2009 an authorised officer may**

- test, dismantle or detain items likely to cause pollution or harm to health

### **In the case of the REACH Enforcement Regulations 2008 only**

- if he finds anything he considers to be in contravention of a listed REACH provision, he may cause it to be dismantled or subjected to any process or test (but not so as to destroy or damage it, unless that is necessary)
- if he has reasonable cause to believe that any thing is a cause of imminent danger of serious pollution of the environment, he may seize it and cause it to be rendered harmless (whether by destruction or otherwise)

### **Powers applicable to**

#### **Regulation 35: The Producer Responsibility Obligations (Packaging Waste) Regulations 2007,**

#### **Regulation 72: The Waste Electrical and Electronic Equipment Regulations 2006,**

#### **Regulation 22: The End of Life Vehicles (Producer Responsibility) Regulations 2005**

#### **Regulation 88: The Waste Batteries and Accumulators Regulations 2009**

#### **Schedule 9: CRC Energy Efficiency Order Scheme 2010**

As for section 108 Environment Act 1995 except the authorised officer may

- only enter premises at a reasonable time and may not enter by force
- in the case of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 to only take samples of records and packaging and packaging materials only

### **Section 109 Environment Act 1995**

An authorised officer acting under Section 108 may seize and render harmless items causing imminent danger of serious pollution or serious harm to health.

### **Regulation 12(7): The Landfill Allowances and Trading Scheme (England) Regulations 2004**

### **Regulation 7(6) of the Landfill Allowances Scheme (Wales) Regulations 2004**

An authorised officer may enter at any reasonable time, and if need be by force premises occupied by a person concerned in the operation of a landfill for the purposes of

- finding records which are required to be kept, or in Wales – searching for records relating to the operation of a landfill
- inspecting them or removing them for inspection elsewhere
- copying them

### **The officer may**

- require another to give such facilities or assistance as are within that persons control or responsibility

### **Section 110 Environment Act 1995**

Any person obstructing an authorised officer in the exercise or performance of his powers or duties or who fails to comply with any requirements of section 108 of the Environment Act 1995 or fails to provide facilities or assistance or information or prevents any other person appearing before an authorised officer or answering a question to which an authorised person has required an answer commits an offence

### **Rights of the owner/occupier of the property General**

- A search must be made at a reasonable time unless this might frustrate the purpose of the search or is undertaken in an emergency (where the legislation allows for emergency entry).
- If your premises are residential or the Environment Agency intends to bring heavy equipment onto your property, you are entitled to seven days notice of the proposed entry except in an emergency.
- If property is retained, you are entitled, on request, to be provided with a list or description of the property within a reasonable time. Application should be made to the address shown on the front of this notice.
- If you wish, you or your representative will be allowed supervised access to your property so that you can examine it or have it photographed or copied. Alternatively, you may be provided with a photograph or copy. In either case, you are responsible for any costs. Access or other actions will not be allowed if the officer in charge believes that this would prejudice the investigation of an offence or any criminal proceedings.

### **Search with a court warrant**

- A warrant remains in force until such time as the purposes for which the warrant has been issued have been fulfilled.
- A copy of the warrant should, if practicable, be given to the occupier before the search begins.
- If the occupier is not present, copies of the warrant and of this notice should be left in a prominent place.

### **Compensation for damage**

Compensation may be payable in appropriate cases for damage caused when entering and searching premises. Application for compensation should be made to the address shown on the front of this notice.

### **Legislation and codes of practice**

You can see the full details of the rights and powers of the Environment Agency, including Code B of the Police and Criminal Evidence Act 1984, at the address shown on the front of this notice.