



Number EA 15327
Notice of Powers and Rights
 Police and Criminal Evidence Act 1984,
 Code B

Location entered

Clean After
 Units 1-4 Slenness
 Park, Hunter Road

Postcode: NN11 5TC

Date: 28/03/2023 Time: 11.55

Authorisation

Statutory Authority with consent
 Statutory Authority without consent
 Magistrate's Warrant

Statutory Power

- Section 108: Environment Act 1995
- Section 109: Environment Act 1995
- Section 1: Control of Pollution (Amendment) Act 1989
- 534B: Environmental Protection Act 1990
- Regulation 35: The Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Regulation 22: The End of Life Vehicles (Producer Responsibility) Regulations 2005
- Regulation 89: The Waste Electrical and Electronic Equipment Regulations 2013
- Regulation 88: Waste Batteries and Accumulators Regulations 2009
- Regulation 33: Environmental Damage (Prevention and Remediation) (England) Regulations 2015
- Regulation 6: REACH Enforcement Regulations 2008
- Schedule 6: REACH Enforcement Regulations 2008
- Article 66: The CRC Energy Efficiency Scheme Order 2013

Officer in charge

Name or warrant number: CHANDANAKA TNAK

Environment Agency address: BANWICK ROAD
 NENE AVENUE
 RYDENEY
 Postcode: NN15 6TQ

Telephone: 03708 506506

A summary of the powers and rights is given overleaf

Summary of Powers and Rights

Powers under Section 108 Environment Act 1995, Regulation 33: Environmental Damage (Prevention and Remediation) (England) Regulations 2015 & Schedule 6: REACH Enforcement Regulations 2008

- 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 or flood risk provision is being or has been complied with;

An authorised officer 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 person's control or responsibility.

In the case of section 108 of the Environment Act 1995 and The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 an authorised officer may

- test, dismantle or detain items likely to cause pollution or harm to health.
- if the officer finds anything considered to be in contravention of a listed REACH provision, they 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 the officer has reasonable cause to believe that anything is a cause of imminent danger of serious pollution of the environment, they may seize it and cause it to be rendered harmless (whether by destruction or otherwise).

Powers applicable to

- Regulation 33: The Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Regulation 89: The Waste Electrical and Electronic Equipment Regulations 2013
- Regulation 22: The End of Life Vehicles (Producer Responsibility) Regulations 2005
- Regulation 88: The Waste Batteries and Accumulators Regulations 2009

Article 66: The CRC Energy Efficiency Scheme Order 2013

- 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.

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.

Section 5 Control of Pollution (Amendment) Act 1989 & Section 34B Environmental Protection Act 1990

- An officer may:**
- require any person appearing to him to be or to have been engaged in transporting waste to produce their authority to do so;
 - stop and/or search the vehicle;
 - carry out tests on anything found in any such vehicle (including by taking away samples for testing of anything so found);
 - seize any such vehicle and any of its contents.

Rights of the owner/occupier of the property

- Entry must be made at a reasonable time unless this might frustrate the purpose of the entry or is undertaken in an emergency (where 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.

Entry, examination and investigation with a court warrant

- A warrant remains in force until such time as the purposes for which the warrant issued has been fulfilled.
- A copy of the warrant should, if practicable, be given to the occupier before the entry 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

Further information, guidance and codes of practice are available at www.gov.uk.