



Nottingham City Council Act 2003

2003 CHAPTER ii

PART 4

MISCELLANEOUS AND GENERAL

14 Power to enter premises and inspect and seize goods and documents

- (1) Subject to subsection (2), an authorised officer, on production, if required, of his credentials, or a constable, may at all reasonable hours exercise the following powers—
 - (a) he may, for the purpose of ascertaining whether any offence under this Act has been committed, inspect any goods and records and enter any premises;
 - (b) if he has reasonable cause to suspect that an offence under this Act has been committed, he may, for the purpose of ascertaining whether it has been committed, require any person carrying on a trade or business or employed in connection with a trade or business to produce any records relating to the trade or business and may take copies of, or of any entry in, any such record;
 - (c) if he has reasonable cause to believe that an offence under this Act has been committed, he may seize and detain any goods for the purpose of ascertaining whether the offence has been committed;
 - (d) he may seize and detain any goods or records which he has reason to believe may be required as evidence in proceedings for an offence under this Act;
 - (e) he may, for the purposes of exercising his powers under this subsection to seize goods, but only if and to the extent that it is reasonably necessary in order to secure that the provisions of this Act are duly observed, require any person having authority to do so to break open any container and, if that person does not comply with the requirement, he may do so himself.
- (2) An authorised officer or constable may not enter a dwelling in the exercise of his powers under this section without the consent of the occupier unless he has obtained a warrant under subsection (4).
- (3) An authorised officer or constable seizing any goods or documents in the exercise of his powers under this section shall inform the person from whom they are seized.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) If a justice of the peace, on sworn information in writing—
- (a) is satisfied that there is reasonable ground to believe either—
 - (i) that any goods or records which a duly authorised officer has power under this section to inspect are on any premises; or
 - (ii) that any offence under this Act has been, is being or is about to be committed on any premises; and
 - (b) is also satisfied either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this subsection has been given to the occupier; or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,
- the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an officer of the council or a constable to enter the premises, if need be by force.
- (5) An authorised officer or a constable entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under the preceding subsection he shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.
- (6) If any person who is not a duly authorised officer of the council or a constable purports to act as such under this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Nothing in this section shall be taken—
- (a) to compel the production by any person of items subject to legal privilege, excluded material or special procedure material; or
 - (b) to authorise the taking of any such items or material in the possession of that person.
- (8) In this section, “items subject to legal privilege”, “excluded material” and “special procedure material” have the meaning given to them by Part II of the Police and Criminal Evidence Act 1984 (c. 60).