

## SCHEDULES

### SCHEDULE 2

Article 11

#### POWERS OF AUTHORISED OFFICERS

1. An authorised officer has the right to do any of the following, on production (if required) of his written authority—

- (a) at any reasonable hour, enter any premises (other than premises used only as a private dwelling house not open to the public) which he considers it is necessary for him to enter for the purpose of the proper exercise of his functions under this Order,
- (b) there carry out such inspections and examinations as he considers necessary for that purpose,
- (c) if he considers it necessary for that purpose, require the production of any substance or product, and inspect it, and take and retain samples of or extracts from it,
- (d) take possession of any substance or product on the premises, and retain it for as long as he considers necessary for that purpose,
- (e) require any person to give him such information, or afford him such facilities and assistance, as he considers necessary for that purpose.

2. An authorised officer may, if he considers it necessary for the purpose of the proper exercise of his functions under this Order, arrange for any substance, product, sample or extract mentioned in paragraph 1(c) or (d) to be analysed.

3. An authorised officer may make such purchases and secure the provision of such services as he considers necessary for the purpose of the proper exercise of his functions under this Order.

4. A person may not be required under paragraph 1 to give any information which he would be entitled to refuse to give in proceedings in the High Court on grounds of legal professional privilege.

5.—(1) A lay magistrate may exercise the power in sub-paragraph (3) if he is satisfied on a complaint in writing substantiated on oath—

- (a) that for the purpose of the proper exercise of the functions of a district council under this Order there are reasonable grounds for entry into any premises (other than premises used only as a private dwelling house not open to the public), and
- (b) of either or both of the matters mentioned in sub-paragraph (2).

(2) The matters are—

- (a) 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 Schedule has been given to the occupier or a person who reasonably appears to the district council to be concerned in the management of the premises,
- (b) that an application for admission, or the giving of such 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.

(3) The lay magistrate may by warrant signed by him authorise any authorised officer to enter the premises, if need be by force.

**Changes to legislation:** *There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, SCHEDULE 2. (See end of Document for details)*

(4) Such a warrant continues in force until the end of the period of one month beginning with the date on which the lay magistrate signs it.

6. An authorised officer entering any premises by virtue of paragraph 1, or of a warrant under paragraph 5, may take with him such other persons and such equipment as he considers necessary.

7. If premises which an authorised officer is authorised to enter by a warrant under paragraph 5 are unoccupied, or if the occupier is temporarily absent, then on leaving them that officer must leave the premises as effectively secured against unauthorised entry as he found them.

8. If by virtue of paragraph 1(d) an authorised officer takes possession of anything, he must leave on the premises from which it was taken a statement giving particulars of what he has taken and stating that he has taken possession of it.

9. In this Schedule “premises” includes any place or vehicle.

**Changes to legislation:**

There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, SCHEDULE 2.