

SCHEDULE 2

Powers of inspectors

General powers of inspectors

1.—(1) The inspector may be accompanied by such other persons as the inspector considers necessary.

(2) For the purposes of enforcing this Order an inspector may—

- (a) take any necessary equipment or materials on to any premises;
- (b) make such examination and investigation as may in any circumstances be necessary, and may direct that any premises, any part of the premises or anything in the premises be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation;
- (c) take measurements or photographs or make recordings;
- (d) take samples of any articles or substances, or the atmosphere (both on any premises and in the vicinity of any premises);
- (e) cause any article or substance to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is necessary for the purpose of the process or test);
- (f) take possession of any article or substance and detain it for so long as is necessary—
 - (i) to examine it and do to it anything that the inspector has power to do;
 - (ii) to ensure that it is not tampered with before the examination is completed;
 - (iii) to ensure that it is available for use as evidence in any civil or criminal proceedings;
- (g) require any person whom the inspector has reasonable cause to believe to be able to give any information (including that person's name and address) relevant to any examination or investigation—
 - (i) to answer (in the absence of persons other than a person nominated by that person to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask; and
 - (ii) to sign a declaration of the truth of the answers;
- (h) require the production of, inspect, and take copies of any licence issued under this Order or any record, or remove it to enable it to be copied and examined;
- (i) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred by this Schedule;
- (j) have access to, inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with the records; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as may reasonably be required and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away.

(3) An inspector who proposes to exercise the power conferred by sub paragraph (2)(e) above in the case of an article or substance found in any premises must, if so requested by a person who at the time is present in and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

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(4) Before exercising the power conferred by sub paragraph (2)(e) in the case of any article or substance, an inspector must consult such persons as the inspector considers appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything proposed to be done under that power.

(5) Where an inspector takes possession of any article or substance found in any premises, the inspector must leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that it has been taken under that power; and before taking possession of any such substance under that power an inspector must, if it is practicable to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(6) No answer given by a person in pursuance of a requirement imposed under sub paragraph (2)(g) is admissible in evidence against that person or the spouse or civil partner of that person in any proceedings.