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## SCHEDULES

### SCHEDULE 2

#### ENFORCEMENT

##### *Powers to enter premises and to inspect and seize goods*

- 3 An officer of an enforcement authority may, at all reasonable hours and on production, if required, of his credentials, exercise the following powers, that is to say—
- (a) he may, for the purpose of ascertaining whether any relevant provisions have been contravened, inspect any goods and enter any premises other than premises used only as a dwelling ;
  - (b) he may, for the purpose of ascertaining whether an offence under section 2(2) of this Act has been committed, examine any procedure (including any arrangements for carrying out a test) connected with the production of goods;
  - (c) if he has reasonable cause to suspect that relevant provisions have been contravened he may, for the purpose of ascertaining whether the provisions have been contravened, require any person carrying on a business or employed in connection with a business to produce any books or documents relating to the business and may take copies of, or of any entry in, any such book or document;
  - (d) if he has reasonable cause to believe that relevant provisions have been contravened, he may seize and detain any goods for the purpose of ascertaining, by testing or otherwise, whether the provisions have been contravened ;
  - (e) he may seize and detain any goods (including documents) which he has reason to believe may be required as evidence in proceedings for an offence under section 2 of this Act or under section 3 of this Act so far as it relates to prohibition orders and prohibition notices ;
  - (f) he may, for the purpose of exercising his powers under sub-paragraph (d) or (e) above to seize goods, but only if and to the extent that it is reasonably necessary in order to secure that relevant provisions are complied with, 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.
- 4 An officer seizing any goods or documents in the exercise of his powers under the preceding paragraph shall inform the person from whom they are seized that the officer has seized them.
- 5 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 (including books and documents) which an officer of an enforcement authority has power under paragraph 3 of this

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Schedule to inspect are on any premises and that their inspection is likely to disclose evidence that relevant provisions have been contravened, or

(ii) that relevant provisions have been or are being or are about to be contravened 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 paragraph 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 an enforcement authority to enter the premises, if need be by force.

In the application of this paragraph to Scotland " justice of the peace " shall be construed as including a sheriff.

6 An officer entering any premises by virtue of this Schedule 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 paragraph he shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.

7 If any person discloses to any person—

(a) any information obtained by him in premises which he has entered by virtue of this Schedule ; or

(b) any information obtained by him in pursuance of this Schedule ;

he shall, unless the disclosure was made for the purposes of proceedings for a breach of duty mentioned in section 6(1) of this Act and does not disclose a secret manufacturing process or trade secret or was made as mentioned in paragraphs (a) to (e) of section 4(3) of this Act or in compliance with a direction under section 5(4) of this Act or was of publicised information, be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine of an amount not exceeding the statutory maximum.

8 If any person who is not an officer of an enforcement authority purports to act as such under this Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

9 Nothing in this Schedule shall be taken to compel the production by a barrister, advocate or solicitor of a document containing a privileged communication made by or to him in that capacity or to authorise the taking of possession of any such document which is in his possession.