



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART I

#### LICENSING—GENERAL PROVISIONS

#### 5 Rights of entry and inspection.

- (1) Without prejudice to any other provision of this Act, an authorised officer of the licensing authority [<sup>F1</sup>, an authorised civilian employee ]<sup>F2</sup>... or a constable may, for the purposes specified in subsection (2) below, at any reasonable time—
  - (a) enter and inspect any premises, vehicle or vessel used or to be used for an activity in relation to which a licence is in force or has been applied for under this Act;
  - (b) require production of and inspect any equipment, plant, apparatus or stock-in-trade which is or is to be kept or used in connection with any such activity;
  - (c) require production of and inspect any records or other documents required by or under this Part or Part II of this Act to be kept by the holder of the licence and take copies of or extracts from any such record or document.
- (2) The purposes referred to in subsection (1) above are—
  - (a) where a licence is in force—
    - (i) seeing whether the terms of the licence are being complied with and, if they are not, obtaining information in respect of such non-compliance;
    - (ii) obtaining information relevant to the question whether the terms of the licence should be varied under paragraph 10 of Schedule 1 to this Act or whether the licence should be renewed or, under paragraph 11 or 12 of that Schedule, suspended [<sup>F3</sup>or revoked] ; or
  - (b) where the grant of a licence has been applied for, obtaining information relevant to the question whether the application should be granted.
- (3) Any person who—

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- (a) being a person for the time being in charge of any premises, vehicle or vessel, fails without reasonable excuse to permit a constable <sup>F4</sup>, an authorised civilian employee ] or an authorised officer of a licensing authority <sup>F5</sup>... who, in pursuance of subsection (1) above, demands to do so to enter or inspect the premises, vehicle or vessel or obstructs the entry thereto of a constable or such an <sup>F6</sup> employee or ] officer, in pursuance of that subsection;
- (b) being a person in respect of whom powers are exercised under subsection (1) above, on being required under that subsection to do so by a constable <sup>F4</sup>, an authorised civilian employee ] or an authorised officer of the licensing authority <sup>F7</sup>... , fails without reasonable excuse to produce any equipment, plant, apparatus or stock-in-trade or to permit a constable or such an <sup>F6</sup> employee or ] officer, in pursuance of that subsection, to inspect any equipment, plant, apparatus or stock-in-trade;
- (c) being a holder of a licence, on being required by a constable <sup>F8</sup>, an authorised civilian employee ] or an authorised officer of the licensing authority <sup>F9</sup>... , in pursuance of subsection (1) above, to produce any records or other document required by or under this Part or Part II of this Act to be kept by the holder of a licence, fails without reasonable excuse to produce them;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding <sup>F10</sup>level 3 on the standard scale].

- (4) An authorised officer of a licensing authority <sup>F11</sup>, an authorised civilian employee ] or a constable may require any person who the officer <sup>F12</sup>, employee ] or constable has reasonable ground to believe is carrying on an activity which requires to be licensed to produce his licence within 5 days of being required to do so.
- (5) Any person who, having been required under subsection (4) above to produce a licence, fails without reasonable excuse to do so within the period of 5 days specified in that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding <sup>F10</sup>level 1 on the standard scale].
- (6) An authorised officer of a licensing authority <sup>F13</sup> or authorised civilian employee ]<sup>F14</sup>... shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his authorisation—
  - (a) in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
  - (b) in any other case, to the person in respect of whom the powers are to be exercised.
- (7) A constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his identification—
  - (a) in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
  - (b) in any other case, to the person in respect of whom the powers are to be exercised.

#### Textual Amendments

- F1** Words in s. 5(1) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 173\(2\)\(a\), 206\(1\); S.S.I. 2010/413, art. 2, sch.](#)

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- F2** Words in s. 5(1) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F3** Words in s. 5(2)(a)(ii) inserted (1.11.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 78(2)**, 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 5)
- F4** Words in s. 5(3)(a)(b) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(b)(i)**, 206(1); S.S.I. 2010/413, art. 2, sch.; S.S.I. 2010/413, art. 2, sch.
- F5** Words in s. 5(3)(a) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F6** Words in s. 5(3)(a)(b) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(b)(ii)**, 206(1); S.S.I. 2010/413, art. 2, sch.; S.S.I. 2010/413, art. 2, sch.
- F7** Words in s. 5(3)(b) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F8** Words in s. 5(3)(c) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(c)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F9** Words in s. 5(3)(c) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F10** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F11** Words in s. 5(4) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(d)(i)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F12** Word in s. 5(4) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(d)(ii)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F13** Words in s. 5(6) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(2)(e)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F14** Words in s. 5(6) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)