

SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS

PART I

GENERAL ENFORCEMENT PROVISIONS

Duty to enforce Act

- 1 It shall be the duty of every local authority to enforce within their area the provisions of Schedules 1 and 3 to this Act and Part II of this Schedule.

Inspectors

- 2 For the purposes of their duties under paragraph 1 above it shall be the duty of every local authority to appoint inspectors.

Powers of entry

- 3 An inspector appointed by a local authority under paragraph 2 above shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours—
- (a) to enter any premises within the area of the local authority, with or without a constable, for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of Schedules 1 and 3 to this Act,
 - (b) to require the production of, inspect and take copies of any records (in whatever form they are held) relating to any business carried on on the premises which appear to him to be relevant for the purpose mentioned in paragraph (a) above,
 - (c) where those records are kept by means of a computer, to require the records to be produced in a form in which they may be taken away, and
 - (d) to take such measurements and photographs as he considers necessary for the purpose mentioned in paragraph (a) above.

Obstruction of inspectors

- 4 Any person who intentionally obstructs an inspector appointed under paragraph 2 above acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: This is the original version (as it was originally enacted).

Offences due to fault of other person

- 5 Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

Offences by bodies corporate

- 6 (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, sub-paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Defence of due diligence

- 7 (1) In any proceedings for an offence under this Act it shall, subject to sub-paragraph (2) below, be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.
- (2) If in any case the defence provided by sub-paragraph (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, at least seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.