

SCHEDULE 3

ENFORCEMENT

Powers of officers of enforcement authority

4.—(1) A duly authority may, at a reasonable hour and on production (if required) of his credentials, enter any premises for the purpose of ascertaining whether an offence under any of the relevant regulations has been committed.

(2) If a justice of the peace, or in Scotland a justice of the peace or a sheriff, is satisfied—

- (a) that any relevant books, documents or goods are on, or that any relevant information contained in a computer is available from, any premises, and that production or inspection is likely to disclose the commission of an offence under the relevant regulations; or
- (b) that any such an offence has been, is being or is about to be committed on any premises.

and that any of the conditions specified in sub-paragraph (3) below is met, he may by warrant under his hand authorise an officer of an enforcement authority to enter the premises, if need be by force.

(3) The conditions referred to in sub-paragraph (2) above 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 that sub-paragraph has been given to the occupier;
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) that the premises are unoccupied; and
- (d) that the occupier is temporarily absent and it might defeat the object of the entry to await his return.

(4) In sub-paragraph (2) above “relevant”, in relation to books, documents, goods or information, means books, documents, goods or information which, under paragraph 3 above, a duly authorised officer may require to be produced or may inspect.

(5) A warrant under sub-paragraph (2) above may be issued only if—

- (a) in England and Wales, the justice of the peace is satisfied as required by that subparagraph by written information on oath;
- (b) in Scotland, the justice of the peace or sheriff is so satisfied by evidence on oath; or
- (c) in Northern Ireland, the justice of the peace is so satisfied by complaint on oath.

(6) A warrant under sub-paragraph (2) above shall continue in force for a period of one month.

(7) An officer entering any premises by virtue of this paragraph may take with him such other persons as may appear to him necessary.

(8) On leaving premises which he has entered by virtue of a warrant under sub-paragraph (2) above, an officer shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(9) In this paragraph “premises” includes any place (including any vehicle, ship or aircraft) except premises used only as a dwelling.