



# Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

## PART 1

### SMOKING: PROHIBITION AND CONTROL

#### 7 Powers to enter and require identification

- (1) An authorised officer of the appropriate council may enter and search any no-smoking premises in order to ascertain whether an offence under section 1, 2 or 3 has been or is being committed there.
- (2) A power under this section may be exercised, if need be, by force.
- (3) A person who—
  - (a) an authorised officer of a council reasonably believes—
    - (i) is committing or has committed an offence under section 1, 2 or 3; or
    - (ii) has information relating to such an offence; and
  - (b) fails without reasonable excuse to supply the officer with the person's name and address on being so required by the officer,commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) In this section—

“authorised” means authorised for the purposes of this section by the appropriate council;

“the appropriate council” means, in relation to no-smoking premises, the council of the area in which those premises are.

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*Status: Point in time view as at 15/05/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 7. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** S. 7 applied (15.5.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 and The Prohibition Of Smoking In Certain Premises \(Scotland\) Regulations 2006 \(Consequential Provisions\) \(Scotland\) Order 2006 \(S.I. 2006/1115\)](#), arts. 1, **3** (with art. 4)

**Commencement Information**

- I1** S. 7 in force at 26.3.2006 at 0600 hours by [S.S.I. 2005/492](#), **art. 3(d)**

**Status:**

Point in time view as at 15/05/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 7.