

*Status: Point in time view as at 07/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Water Services etc. (Scotland) Act 2005, Paragraph 5. (See end of Document for details)*

## SCHEDULE 2 LICENCES AND COMPLIANCE: FURTHER PROVISION

### *Powers of entry etc.*

- 5 (1) For the purposes of monitoring and ensuring compliance with the terms and conditions of licences under section 8(1), the powers mentioned in sub-paragraph (2) are exercisable by the Commission and any person authorised by the Commission for the purpose of the exercise of those powers.
- (2) The powers are—
- (a) power to enter any premises—
    - (i) of any water services provider or sewerage services provider;
    - (ii) in respect of which such a provider has made arrangements for or in relation to the supply of water or the provision of sewerage or disposal of sewage;
    - (iii) of any other person,for the purpose of exercising a power mentioned in heads (b) and (c);
  - (b) power to carry out such inspection of any document or article found on the premises as the Commission considers necessary; and
  - (c) for the purpose of inspecting any such document or article, power to take the document away from the premises.
- (3) The power mentioned in head (a) of sub-paragraph (2) entitles the Commission (or a person authorised by the Commission) to demand, as of right, entry—
- (a) to premises referred to in sub-head (i) of that head, at any reasonable time (and without notice); and
  - (b) to premises referred to in sub-head (ii) or (iii) of that head, at any reasonable time provided that the Commission (or the person) gives 24 hours' notice of the exercise of the power to the occupier of the premises.
- (4) The powers mentioned in sub-paragraph (2) must not be exercised in relation to premises referred to in sub-head (iii) of head (a) of that sub-paragraph unless the Commission is satisfied that the exercise of those powers in relation to the premises referred to in sub-heads (i) and (ii) of that head would be insufficient for the purposes referred to in sub-paragraph (1).
- (5) The owner and occupier of any premises in respect of which a power mentioned in sub-paragraph (2) is being exercised, and any person on the premises when the power is being exercised, must—
- (a) give the person exercising the power such assistance; and
  - (b) provide that person with such information,
- as that person reasonably requires.

#### **Commencement Information**

**II** Sch. 2 para. 5 in force at 7.9.2006 by S.S.I. 2006/445, art. 2, Sch.

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