



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 9

### ALCOHOL LICENSING

#### 197 Powers of Licensing Standards Officers

- (1) Section 15 of the 2005 Act is amended as follows.
- (2) The section title becomes “Powers of entry, inspection and seizure”.
- (3) In subsection (2)—
  - (a) the word “and” immediately preceding paragraph (b) is repealed, and
  - (b) after that paragraph insert—
    - “(c) power to take copies of, or of an entry in, any document found on the premises, and
    - (d) power to seize and remove any substances, articles or documents found on the premises.”.
- (4) In subsection (3)—
  - (a) for “either” substitute “any”, and
  - (b) in paragraph (b), after “information” insert “or explanation”.
- (5) After subsection (4) insert—
  - “(4A) Subsection (3)(c) includes power to require any document which is stored in electronic form and which is accessible from the premises to be produced in a form—
    - (a) in which it is legible, and
    - (b) in which it can be removed from the premises.
  - (4B) Nothing in subsection (3) requires a person to produce any document if the person would be entitled to refuse to produce that document in any proceedings in any court on the grounds of confidentiality of communications.

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*Status: This is the original version (as it was originally enacted).*

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(4C) Nothing in subsection (3) requires a person to provide any information or explanation or produce any document if to do so would incriminate that person or that person’s spouse or civil partner.”.

(6) After subsection (6) insert—

“(7) The Scottish Ministers may by regulations make further provision about the procedure to be followed in the exercise of a power under this section.

(8) Where a Licensing Standards Officer seizes any substance, article or document under subsection (2)(d), the Officer must leave on the premises a notice—

- (a) stating what was seized, and
- (b) explaining why it was seized.

(9) The Scottish Ministers may by regulations make provision about the treatment of substances, articles or documents seized under subsection (2)(d).

(10) Regulations under subsection (9) may, in particular, make provision—

- (a) about the retention, use, return, disposal or destruction of anything seized,
- (b) about compensation for anything seized.”.