

Status: Point in time view as at 28/05/2018.

Changes to legislation: There are currently no known outstanding effects for the Wild Animals in Travelling Circuses (Scotland) Act 2018, Cross Heading: Entry and associated powers. (See end of Document for details)

SCHEDULE 1 ENFORCEMENT POWERS

Entry and associated powers

- 2 An inspector may enter any premises (other than domestic premises)—
- (a) if there are reasonable grounds for believing that a section 1 offence has been or is being committed at the premises, and
 - (b) for the purpose of ascertaining whether or not a section 1 offence has been or is being committed at the premises.

Commencement Information

11 Sch. 1 para. 2 in force at 28.5.2018 by S.S.I. 2018/149, reg. 2

- 3 (1) A sheriff or justice of the peace may grant a warrant under this sub-paragraph if satisfied—
- (a) that there are reasonable grounds for believing—
 - (i) that a section 1 offence has been or is being committed at any premises, or
 - (ii) that evidence of the commission of, or participation in, a section 1 offence is to be found at any premises, and
 - (b) that condition A or condition B is satisfied in relation to the premises.
- (2) Condition A is—
- (a) that—
 - (i) admission to the premises has been refused, or
 - (ii) such a refusal may reasonably be expected, and
 - (b) that—
 - (i) notice of the intention to seek a warrant has been given to the occupier of the premises, or
 - (ii) the giving of such notice would frustrate the purpose for which the warrant is sought.
- (3) Condition B is—
- (a) that the premises are unoccupied, or
 - (b) that the occupier is temporarily absent.

Commencement Information

12 Sch. 1 para. 3 in force at 28.5.2018 by S.S.I. 2018/149, reg. 2

- 4 A warrant under paragraph 3(1) authorises an inspector or a constable—
- (a) to enter the premises,
 - (b) to search for and examine any animal, and
 - (c) to search for, examine and seize any equipment, document or other thing tending to provide evidence of the commission of, or participation in, a section 1 offence.

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Commencement Information

I3 Sch. 1 para. 4 in force at 28.5.2018 by S.S.I. 2018/149, reg. 2

- 5 (1) An inspector or a constable may exercise the powers in sub-paragraph (2) without a warrant under paragraph 3(1)—
- (a) if it appears to the inspector or, as the case may be, constable that any delay would frustrate the purpose for which the powers are to be exercised, and
 - (b) in relation only to premises other than domestic premises.
- (2) The powers are—
- (a) to enter premises,
 - (b) to search for and examine any animal, and
 - (c) to search for, examine and seize any equipment, document or other thing tending to provide evidence of the commission of, or participation in, a section 1 offence.

Commencement Information

I4 Sch. 1 para. 5 in force at 28.5.2018 by S.S.I. 2018/149, reg. 2

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