



# UEFA European Championship (Scotland) Act 2020

2020 asp 1

## *Enforcement*

### **17 Enforcement officers**

- (1) An “enforcement officer” is an individual designated as such by Glasgow City Council.
- (2) Glasgow City Council may designate an individual as an enforcement officer only if the individual—
  - (a) is an inspector of weights and measures (appointed under section 72(1) of the Weights and Measures Act 1985),
  - (b) is authorised by a local authority to enforce the provisions of section 92 of the Trade Marks Act 1994, or
  - (c) is employed by Glasgow City Council or by another local authority and is, in the Council’s view, sufficiently experienced in exercising functions of the kind conferred on enforcement officers by this Act.

### **18 General enforcement powers**

- (1) An enforcement officer may take such reasonable steps as the officer considers necessary—
  - (a) for the purpose of preventing or ending the commission of an offence under this Act (a “Championship offence”), or
  - (b) in connection with proceedings, or anticipated proceedings, in respect of a Championship offence.
- (2) Such steps may include seizing, concealing or destroying anything which the officer reasonably believes to be an infringing article (but see section 19).
- (3) An “infringing article” is—
  - (a) an article used in connection with the commission of a Championship offence, or
  - (b) a receptacle used as a container for such an article.

- (4) An enforcement officer may be assisted by any other person as may be necessary for the purposes of taking action under this section (and such a person is to act under the officer's direction at all times).
- (5) However, an enforcement officer must notify the Police Service of Scotland before requesting assistance from any other person.
- (6) This section is subject to the restrictions imposed on an enforcement officer by sections 19, 21, 22 and 24.

## **19 Restrictions on general enforcement powers**

- (1) An infringing article may be seized by an enforcement officer only if the officer considers it appropriate to do so for the purpose of—
  - (a) ending the commission of a Championship offence,
  - (b) preventing the future commission of such an offence,
  - (c) enabling the article to be used in proceedings for such an offence, or
  - (d) enabling the article to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.
- (2) A seized article must be returned when retention of it is no longer justified for the purposes mentioned in [subsection \(1\)](#).
- (3) [Subsection \(2\)](#) does not apply to perishable articles which no longer have any commercial value.
- (4) An infringing article may be concealed by an enforcement officer only if the officer considers it appropriate for the purpose of—
  - (a) ending the commission of an advertising offence, or
  - (b) preventing the future commission of such an offence.
- (5) A concealed article must be revealed when concealing it is no longer justified for the purposes mentioned in [subsection \(4\)](#).
- (6) An infringing article may be destroyed only if the enforcement officer considers it appropriate to do so for the purposes mentioned in [subsection \(4\)](#) and does not consider seizing or concealing the article to be a reasonable alternative course of action in the circumstances.

## **20 Power to enter and search**

- (1) Where permission is given by the occupier (or another person with the authority to do so), an enforcement officer may, without warrant, enter any place and may search any place (and any vehicle, vessel, container or other thing at that place)—
  - (a) where the officer reasonably believes a Championship offence has been or is being committed, or
  - (b) which the officer reasonably believes has been or is being used in connection with a Championship offence.
- (2) Subsection (1) does not authorise an enforcement officer to—
  - (a) search an individual, or
  - (b) access data stored electronically.

- (3) An enforcement officer may take to a place entered by virtue of this section any other person, or any equipment, as may be necessary for the purposes of assisting the officer (and such a person is to act under the officer's direction at all times).
- (4) However, an enforcement officer must notify the Police Service of Scotland before requesting assistance from any other person.
- (5) An enforcement officer who enters a place in pursuance of this section must take reasonable steps to leave the place at least as effectively secured against unauthorised entry as the officer found it.
- (6) This section is subject to the restrictions imposed on an enforcement officer by sections 21, 22 and 24.

## **21 Use of reasonable force**

- (1) This section applies where no permission has been given by an occupier of premises (or another person with the authority to do so) for an enforcement officer to take action under section 18 or 20.
- (2) A constable may use reasonable force, or authorise the use of reasonable force by an enforcement officer or by any person assisting the officer, when action is being taken under section 18 or 20—
  - (a) if the sheriff grants a warrant for the use of reasonable force and the constable accompanies the enforcement officer, or
  - (b) where no application for a warrant has been made, only if the constable accompanies the officer and reasonably believes that there is a real and substantial risk that delay in seeking a warrant would defeat or prejudice the purpose of taking action.
- (3) Despite [subsection \(2\)](#), a constable must not authorise an enforcement officer or any person assisting the officer to use force against an individual.
- (4) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied that the use of reasonable force is necessary for the purpose of taking action under section 18 or 20.
- (5) A warrant granted under this section expires—
  - (a) when it is no longer required for the purpose for which it is granted, or
  - (b) if earlier, on the expiry of such period as may be specified in it.

## **22 Further restrictions on entering houses**

- (1) An enforcement officer may take action under section 18 or 20 in relation to a house or a place that can be entered only through a house only if—
  - (a) an individual who habitually resides in the house permits the enforcement officer to do so, or
  - (b) the sheriff grants a warrant for such an action.
- (2) Where [subsection \(1\)\(a\)](#) applies, an enforcement officer may enter a house only—
  - (a) at reasonable times, and
  - (b) if accompanied by a constable.

---

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

---

- (3) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied—
- (a) that the officer has reasonable grounds for taking action under section 18 or 20 in relation to the house or the place that can be entered only through the house, and
  - (b) that any of the conditions in [subsection \(4\)](#) is met.
- (4) Those conditions are—
- (a) that the officer has been refused entry to the house or place or has been prevented from taking any other action under section 18 or 20 in relation to the house or place,
  - (b) that such a refusal or prevention is reasonably expected (after the officer has taken reasonable steps to notify the residents of the house of the intended action),
  - (c) that—
    - (i) the house is unoccupied (permanently or temporarily), and
    - (ii) the officer has taken reasonable steps to notify any residents of the house of the intended action,
  - (d) that the case is one of urgency, or
  - (e) that notifying the residents of the house of the officer's intention to take action would defeat the object of the proposed action.
- (5) A warrant granted under this section expires—
- (a) when it is no longer required for the purpose for which it was granted, or
  - (b) if earlier, on the expiry of such period as may be specified in it.

## **23 Power to obtain information**

- (1) An enforcement officer may require any person to provide such information as the officer considers appropriate in connection with—
- (a) a Championship offence, or
  - (b) conduct which the officer reasonably suspects constitutes a Championship offence.
- (2) A person is not obliged to provide information under this section if the person would be entitled to refuse to provide the information in, or for the purposes of, court proceedings.
- (3) This section is subject to the requirement imposed on an enforcement officer by section 24.

## **24 Requirement to produce evidence of identity and authority**

An enforcement officer must, while doing anything under section 18, 20, or 23, produce evidence of the officer's identity and authority to take action if requested to do so.

## **25 Test purchases**

- (1) An enforcement officer may, for the purpose of discovering whether any provision made by virtue of this Act is being complied with—

- (a) purchase, or authorise another person to purchase, any goods, or
  - (b) secure, or authorise another person to secure, the provision of any services.
- (2) Nothing done in pursuance of this section constitutes a Championship offence.

## **26 Compensation and recovery of costs**

- (1) A person whose property is damaged by anything done under section 18 or 20 may obtain compensation from—
- (a) if the damage is caused by an enforcement officer or by a constable accompanying an enforcement officer, Glasgow City Council,
  - (b) if the damage is caused by a constable who is not accompanying an enforcement officer, the Scottish Police Authority.
- (2) [Subsection \(1\)](#) does not apply if the thing done relates to a Championship offence committed by the person.
- (3) The Scottish Ministers may by regulations make provision—
- (a) about claiming compensation,
  - (b) about determining the compensation due, and
  - (c) conferring jurisdiction for determining disputed compensation on a court, tribunal or other body.
- (4) The costs of doing anything which an enforcement officer is authorised or entitled to do by virtue of this Act are recoverable by Glasgow City Council from the person who committed the Championship offence to which the action relates.

## **27 Obstructing an enforcement officer**

It is an offence (“the obstruction offence”)—

- (a) intentionally to prevent or obstruct an enforcement officer from doing anything which the officer is authorised or entitled to do by virtue of this Act, or
- (b) without reasonable cause to fail to comply with a requirement made by an enforcement officer, or a constable, under section 23.

## **28 Police powers**

- (1) A constable may do anything an enforcement officer may do under section 18 to 25.
- (2) But the restrictions imposed on an enforcement officer by section 19, 21, 22 and 24 apply to a constable only to the extent that they do not conflict with a constable’s powers under any other enactment or rule of law.
- (3) Where the restrictions imposed by section 21 and 22 apply, the constable does not have to be accompanied by another constable.

## **29 Action under sections 18 to 25: procedure**

The Scottish Ministers may by regulations specify further procedure which an enforcement officer or, as the case may be, a constable must follow when doing anything under sections 18 to 25.