

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Paragraph 7. (See end of Document for details)

PROSPECTIVE

SCHEDULE 2

INVESTIGATORY POWERS OF A LOCAL WEIGHTS AND MEASURES AUTHORITY

Powers in relation to documents

- 7 (1) An officer of a local weights and measures authority may, at any reasonable time—
- (a) require a person who is offering to supply fireworks to the public in the course of a business (“the trader”), an employee of the trader or any other person acting on behalf of the trader, to produce any document relating to the trader's business to which the trader, employee or other person has access,
 - (b) take copies of, or copies of any entry in, any such document,
 - (c) seize and retain any such document which the officer reasonably suspects may be required as evidence.
- (2) The powers in sub-paragraph (1) include power to require the trader, employee or other person to give an explanation of the document.
- (3) Where a document required to be produced under [sub-paragraph \(1\)](#) contains information recorded electronically, the power under that sub-paragraph includes power to require the production of a copy of the document in a form in which it can easily be taken away and in which it is visible and legible.
- (4) [This paragraph](#) does not permit an officer to require a person to create a document other than as described in [sub-paragraph \(3\)](#).
- (5) An officer seizing a document under [this paragraph](#) from premises which are occupied must produce evidence of the officer's identity and authority to an occupier of the premises before seizing it.
- (6) The officer need not comply with [sub-paragraph \(5\)](#) if it is not reasonably practicable to do so.
- (7) An officer seizing a document under [this paragraph](#) must take reasonable steps to—
- (a) inform the person from whom it is seized that it has been seized, and
 - (b) provide that person with a written record of what has been seized.
- (8) [This paragraph](#) does not permit an officer to require a person to produce or seize any document which the person would be entitled to refuse to produce in proceedings in the Court of Session on the grounds of confidentiality of communications.
- (9) In [sub-paragraph \(8\)](#), “communications” means—
- (a) communications between a professional legal adviser and the adviser's client, or
 - (b) communications made in connection with or in contemplation of legal proceedings or for the purposes of those proceedings.
- (10) In [this paragraph](#), “occupier”, in relation to premises, means any person an officer of a weights and measures authority reasonably suspects to be the occupier of the premises.

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Commencement Information

II Sch. 2 para. 7 not in force at Royal Assent, see **s. 56(2)**

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