

*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 4. (See end of Document for details)*

PROSPECTIVE

## SCHEDULE 2

### INVESTIGATORY POWERS OF A LOCAL WEIGHTS AND MEASURES AUTHORITY

#### *Power to enter premises without warrant*

- 4 (1) An officer of a local weights and measures authority may enter premises at any reasonable time.
- (2) In the case of a routine inspection, the power of entry in [sub-paragraph \(1\)](#) may only be exercised if a notice has been given to the occupier of the premises in accordance with the requirements in [sub-paragraph \(3\)](#), unless [sub-paragraph \(4\)](#) applies.
- (3) Those requirements are that—
- (a) the notice is in writing and is given by the officer,
  - (b) the notice sets out why the entry is necessary and indicates the nature of the offence under [section 42](#) (obstruction), and
  - (c) there are at least two working days between the date of receipt of the notice and the date of entry.
- (4) A notice need not be given if the occupier has waived the requirement to give notice.
- (5) In [this paragraph](#) “routine inspection” means an exercise of the power under [sub-paragraph \(1\)](#) other than where—
- (a) the power is exercised by an officer who reasonably suspects that an offence has been, or is being, committed under [section 5](#) or [22](#), or
  - (b) the officer reasonably considers that to give notice in accordance with [sub-paragraph \(2\)](#) would defeat the purpose of the entry.
- (6) If an officer enters premises under [sub-paragraph \(1\)](#) that are occupied, otherwise than in the course of a routine inspection, the officer must provide to an occupier a document that—
- (a) sets out why the entry is necessary, and
  - (b) indicates the nature of the offence under [section 42](#).
- (7) If an officer enters premises under [sub-paragraph \(1\)](#) that are occupied, the officer must produce evidence of the officer's identity and authority to an occupier.
- (8) An officer need not comply with [sub-paragraph \(6\)](#) or [\(7\)](#) if it is not reasonably practicable to do so.
- (9) Proceedings resulting from the exercise of the power under [sub-paragraph \(1\)](#) are not invalid merely because of a failure to comply with [sub-paragraph \(6\)](#) or [\(7\)](#).
- (10) An officer entering premises under [sub-paragraph \(1\)](#) may be accompanied by such persons, and may take onto the premises such equipment, as the officer considers necessary.
- (11) 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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“premises” includes any—

- (a) land or building,
- (b) vehicle, vessel, trailer, aircraft or hovercraft,
- (c) tent or moveable structure,

except where the premises are used wholly or mainly as a private dwelling,

“working day” means any day other than—

- (a) Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.

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#### **Commencement Information**

- II** Sch. 2 para. 4 not in force at Royal Assent, see [s. 56\(2\)](#)

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