

SCHEDULES

SCHEDULE 1

Section 11(3).

POWERS OF AUTHORISED OFFICERS

1. An authorised officer has the right to do any of the following, on production (if required) of the officer's authorisation—

- (a) at any reasonable hour, enter any premises within the district of that council to ascertain whether an offence under sections 1 to 9 has been or is being committed there;
- (b) there carry out such inspections and examinations as the officer considers necessary for the purpose of the proper exercise of the officer's functions under this Act;
- (c) if the officer considers it necessary for that purpose—
 - (i) require the production of any book, document or record (in whatever form it is held); and
 - (ii) inspect it and take copies of or extracts from it;
- (d) take possession of any book, document or record which is on the premises (in whatever form it is held) and retain it for as long as the authorised officer considers necessary for that purpose;
- (e) require any person to give the officer such information, or afford the officer such facilities and assistance, as the officer considers necessary for that purpose.

2. A person may not be required under paragraph 1 to answer any question or to produce any document which the person would be entitled to refuse to answer or produce in or for the purpose of proceedings in a court in Northern Ireland.

3.—(1) An authorised officer may not under paragraph 1 enter premises which are occupied as a private dwelling unless under the authority of a warrant issued under sub-paragraph (2).

(2) A lay magistrate may issue a warrant, authorising the authorised officer to enter premises which are occupied as a private dwelling if need be by force, only if satisfied by complaint on oath that there are reasonable grounds for suspecting that—

- (a) an offence mentioned in paragraph 1(a) has been, or is being, committed; and

(b) evidence of the commission of that offence may be found in those premises.

4.—(1) In relation to premises other than premises occupied as a private dwelling, a lay magistrate may exercise the power in sub-paragraph (3) if the magistrate is satisfied by complaint on oath—

(a) that for the purpose of the proper exercise of the functions of a district council under this Act there are reasonable grounds for entering into any premises; and

(b) of either or both of the matters mentioned in sub-paragraph (2).

(2) The matters are—

(a) that admission to the premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant under this Schedule has been given to the occupier or a person who reasonably appears to the district council to be concerned in the management of the premises;

(b) that an application for admission, or the giving of such notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await the occupier's return.

(3) A lay magistrate may issue a warrant authorising the authorised officer to enter the premises, if need be by force.

5. A warrant under paragraph 3 or 4 continues in force until the end of the period of one month beginning with the date on which the lay magistrate signs it.

6. An authorised officer entering any premises under this Schedule may take with the officer such other persons and such equipment as the officer considers necessary.

7. If premises which an authorised officer is authorised to enter by a warrant are unoccupied, or if the occupier is temporarily absent, then on leaving them that officer must leave the premises as effectively secured against unauthorised entry as the officer found them.