

SCHEDULES

SCHEDULE 3

Enforcement

Power of inspectors

2.—(1) Subject to the provisions of paragraph 1 and this paragraph, an inspector may, for the purpose of carrying into effect these Regulations within the field of responsibility of the appointing enforcement authority, exercise the powers set out in sub-paragraph (2).

(2) The powers of an inspector referred to in the preceding sub-paragraph are the following, namely—

- (a) at any reasonable time (or, in a situation which in the inspector's opinion is or may be dangerous, at any time) to enter any premises which the inspector has reason to believe it is necessary to enter for the purpose mentioned in sub-paragraph (1);
- (b) to be accompanied by a constable if the inspector has reasonable cause to apprehend any serious obstruction in the execution of the inspector's duty;
- (c) without prejudice to the preceding head, on entering any premises by virtue of head (a)—
 - (i) to be accompanied by any other person duly authorised by the inspector's enforcement authority; and
 - (ii) to bring any equipment or materials required for any purpose for which the power of entry is being exercised;
- (d) to make such examination and investigation as may in any circumstance be necessary for the purpose mentioned in sub-paragraph (1);
- (e) to require any person whom the inspector has reasonable cause to believe to be able to give any information relevant to any examination or investigation under head (d) to answer (in the absence of persons other than a person nominated by the inspector to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of those answers;
- (f) to require the production of, inspect, and take copies of or of an entry in—
 - (i) any records which by virtue of these Regulations are required to be kept, and
 - (ii) any other books, records or documents which it is necessary for the inspector to see for the purposes of any examination or investigation under head (d);
- (g) to require any person to afford the inspector such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred by this paragraph;
- (h) any other power which is necessary for the purpose mentioned in sub-paragraph (1).

(3) No answer given by a person in pursuance of a requirement imposed under sub-paragraph (2) (e) shall be admissible in evidence against that person or the spouse or civil partner of that person in any proceedings.

(4) Nothing in this paragraph shall be taken to compel the production by any person of a document of which that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the High Court.