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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**The Social Security Assistance (Investigation  
of Offences) (Scotland) Regulations 2020**

**PART 3**

Investigatory powers

**Entry and search of premises**

**8.—**(1) An authorised officer may only enter any premises with the permission of the person occupying them or, where the premises are unoccupied, with the permission of the owner of the premises.

(2) An authorised officer may not enter any dwelling-house or any part of premises used solely as living accommodation (whether or not the occupier or owner consents to entry).

(3) An authorised officer seeking permission to enter any premises in accordance with this regulation must, if required to do so, produce the certificate containing the officer's authorisation for the purposes of these Regulations.

(4) An authorised officer may seek permission from the occupier of the premises or, where they are unoccupied, the owner, to be accompanied by such other person or persons as that officer thinks appropriate in the circumstances.

(5) An authorised officer who has entered any premises under this regulation—

- (a) may search the premises, but only if the occupier or, where they are unoccupied, the owner, gives permission to do so, and
- (b) may carry out any inquiry there,

as appears to the officer to be appropriate in connection with any one or more of the matters that may be investigated.

(6) An authorised officer who has entered any premises may in particular—

- (a) question any person whom that officer finds there,
- (b) require any such person to do either or both of the following, if reasonably required in connection with one or more of the matters that may be investigated—
  - (i) to provide that officer with information,
  - (ii) to produce documents or, if necessary, create copies of, or extracts from, documents,
- (c) take possession of and remove, or make copies of, any documents (including any copies or extracts created under paragraph (b)(ii)) which appear to that officer to contain information that is relevant to any of those matters.

(7) Where an authorised officer has removed, or made copies of, any document under paragraph (6)(c), the authorised officer must return the document, and destroy any copies that the authorised officer has made, when the document or copies cease to be needed in connection with all of the matters that may be investigated.

- (8) No person may be required under paragraph (6)(b) to provide—
- (a) any information exchanged between client and legal adviser, if a claim for legal professional privilege would be successful if made in respect of that material in any proceedings, or
  - (b) any information that incriminates, or tends to incriminate, either the person or the person's spouse or civil partner,

whether that information is in documentary form or not.

- (9) In this regulation “premises” includes—
- (a) any land to which access by members of the public is restricted, and
  - (b) any fixed or moveable structure.