

Status: Point in time view as at 01/04/2013.

Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Powers of entry and search is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CONTROL OF SEX SHOPS

Powers of entry and search

- 21 (1) If a justice of the peace or sheriff is satisfied by evidence on oath that there is reasonable ground for suspecting that—
- (a) any premises, vehicle, vessel or stall is being used as a sex shop; and
 - (b) no licence or waiver under this Schedule is in force in relation to the sex shop,
- he may grant a warrant authorising any constable to enter and search the premises, vehicle, vessel or stall specified in the warrant.
- (2) A constable may use reasonable force in executing a warrant granted under subparagraph (1) above.
- (3) A constable who is not in uniform shall produce his identification if required to do so by any person in or upon any premises, vehicle, vessel or stall which the constable is about to enter, is entering or has entered under the powers conferred under subparagraph (1) above, and if he has been so required to produce his identification, he shall not be entitled to enter or search the premises, vehicle, vessel or stall or, as the case may be, remain there or continue to search the premises, vehicle, vessel or stall until he has produced it.
- (4) Any person who fails without reasonable excuse to permit a constable, in pursuance of this paragraph, to enter and search any premises, vehicle, vessel or stall or who obstructs the entry thereto or search thereof in pursuance of this paragraph by a constable shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 3 on the standard scale].

Textual Amendments

F1 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

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