

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 15: Private gaming and betting

Part 15: Inspection

Section 306: Suspected offence

768. Under this section a constable or enforcement officer may enter premises if it is reasonably suspected that an offence under this Act has been, is being or is about to be committed on the premises. Where it is suspected that the offence is being or is about to be committed entry can be made without a warrant (unless the premises is a dwelling). In cases regarding the past commission of an offence, a constable or enforcement officer may only enter the premises under the authority of a judicial warrant. An application must be made to a justice of the peace or the sheriff in Scotland to issue a warrant to enter the premises. A warrant can only be issued where the justice of the peace or sheriff is satisfied there are reasonable grounds for suspecting that an offence has been committed and that evidence of the offence may be found on the premises. The justice of the peace or sheriff must also be satisfied that one of the following conditions listed in *subsection (3)* is met:
- Admission to the premises has previously been refused;
 - Admission is likely to be refused without a warrant;
 - A search may be frustrated or endangered if immediate entry is not secured; and
 - There is likely to be no-one present to grant admission to the premises.
769. If a warrant is to be granted for reasons in *subsection (3)(a)* or *(b)*, the justice of the peace or sheriff must be satisfied that notice of the intention to apply for a warrant has been given to the appropriate person (i.e. the occupier of the premises or the person with responsibility for their management). Where no notice has been given, he must be satisfied that the giving of notice would seriously prejudice the purpose of the search.
770. *Subsection (5)* provides that a warrant under *subsection (2)* will have effect for 28 days from the date of issue.