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STATUTORY INSTRUMENTS

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**2000 No. 3236**

**The Non-automatic Weighing Instruments Regulations 2000**

**PART IV**

**GENERAL**

**Powers of inspection and entry**

**38.**—(1) Subject to the production if so requested of his credentials, an authorised person may for the purposes of these Regulations, within the area of the local weights and measures authority by which he is appointed, at all reasonable times—

- (a) inspect and test any instrument in such manner as he considers appropriate;
- (b) inspect and take copies of any document relating to an instrument and of the documentation of any relevant quality system; and
- (c) enter any premises at which he has reasonable cause to believe there to be any instrument or such document, not being premises used only as a private dwelling house.

(2) Subject to the production if so requested of his credentials, an authorised person may, at any time, within the area of the local weights and measures authority by which he is appointed, seize and detain—

- (a) any instrument or implement which he has reasonable cause to believe is liable to be forfeited under regulation 4(4) or (6), 16(4) or 22(4); and
- (b) any document, implement or goods which the authorised person has reason to believe may be required as evidence in proceedings for an offence under Part I or Part II.

(3) If a justice of the peace, on information on oath—

- (a) is satisfied that there is reasonable ground to believe that any such instrument, implement, goods or document as is mentioned in paragraph (1) or (2) above is on any premises, or that any offence under Part I or Part II has been, is being or is about to be committed on any premises; and

(b) is also satisfied either—

- (i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of intention to apply for a warrant has been given to the occupier, or
- (ii) that an application for admission, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand, which shall continue in force for the period of one month, authorise an authorised person to enter the premises, if need be by force.

(4) In the application of paragraph (3) above to Scotland, “justice of the peace” includes a sheriff.

(5) An authorised person entering any premises by virtue of this regulation may take with him such other persons and such equipment as may appear to him to be necessary; and on leaving any premises which he has entered by virtue of a warrant under paragraph (3) above, being premises

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which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(6) If any authorised person or other person who enters any work-place by virtue of this regulation discloses to any person any information obtained by him in the work-place with regard to any secret manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(7) Nothing in this regulation shall authorise any person to stop any vehicle on a highway.

(8) In this regulation, “credentials” means authority in writing from a local weights and measures authority for the exercise by an authorised person of the powers conferred on him by this regulation.