



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 2

#### LICENSING BODIES AND OFFICERS

##### *Licensing Standards Officers*

#### 15 **[<sup>F1</sup>Powers of entry, inspection and seizure]**

- (1) A Licensing Standards Officer for a council area may, for the purpose of determining whether the activities being carried on in any licensed premises in the area are being carried on in accordance with—
- (a) the premises licence or, as the case may be, occasional licence in respect of the premises, and
  - (b) any other requirements of this Act,
- exercise the powers specified in subsection (2).
- (2) The powers referred to subsection (1) are—
- (a) power to enter the premises at any time for the purpose of exercising the power specified in paragraph (b), <sup>F2</sup>...
  - (b) power to carry out such inspection of the premises and of any substances, articles or documents found there as the Officer thinks necessary.
  - <sup>F3</sup>(c) power to take copies of, or of an entry in, any document found on the premises, and
  - (d) power to seize and remove any substances, articles or documents found on the premises.]
- (3) Where a Licensing Standards Officer exercises [<sup>F4</sup>any] of those powers in relation to any licensed premises, the persons specified in subsection (4) must—
- (a) give the Officer such assistance,
  - (b) provide the Officer with such information [<sup>F5</sup>or explanation], and
  - (c) produce to the Officer such documents,
- as the Officer may reasonably require.
- (4) The persons referred to in subsection (3) are—

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*Changes to legislation: Licensing (Scotland) Act 2005, Section 15 is up to date with all changes known to be in force on or before 12 June 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) View outstanding changes*

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- (a) the holder of the premises licence or, as the case may be, occasional licence in respect of the premises,
  - (b) in the case of licensed premises in respect of which a premises licence has effect, the premises manager, and
  - (c) in any case, any person working on the premises at the time the Officer is exercising the power.
- [<sup>F6</sup>(4A) Subsection (3)(c) includes power to require any document which is stored in electronic form and which is accessible from the premises to be produced in a form—
- (a) in which it is legible, and
  - (b) in which it can be removed from the premises.
- (4B) Nothing in subsection (3) requires a person to produce any document if the person would be entitled to refuse to produce that document in any proceedings in any court on the grounds of confidentiality of communications.
- (4C) Nothing in subsection (3) requires a person to provide any information or explanation or produce any document if to do so would incriminate that person or that person's spouse or civil partner.]
- (5) A person who—
- (a) intentionally obstructs a Licensing Standards Officer in the exercise of any power under subsection (2), or
  - (b) refuses or fails, without reasonable excuse, to comply with a requirement made under subsection (3),
- commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [<sup>F7</sup>(7) The Scottish Ministers may by regulations make further provision about the procedure to be followed in the exercise of a power under this section.
- (8) Where a Licensing Standards Officer seizes any substance, article or document under subsection (2)(d), the Officer must leave on the premises a notice—
- (a) stating what was seized, and
  - (b) explaining why it was seized.
- (9) The Scottish Ministers may by regulations make provision about the treatment of substances, articles or documents seized under subsection (2)(d).
- (10) Regulations under subsection (9) may, in particular, make provision—
- (a) about the retention, use, return, disposal or destruction of anything seized,
  - (b) about compensation for anything seized.]

#### Textual Amendments

- F1** S. 15 heading substituted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 197\(2\)](#), 206(1); [S.S.I. 2018/102](#), [art. 2\(b\)](#) (with art. 4)
- F2** Word in s. 15(2) repealed (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 197\(3\)\(a\)](#), 206(1); [S.S.I. 2018/102](#), [art. 2\(b\)](#) (with art. 4)
- F3** S. 15(2)(c)(d) inserted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 197\(3\)\(b\)](#), 206(1); [S.S.I. 2018/102](#), [art. 2\(b\)](#) (with art. 4)

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- F4** Word in s. 15(3) substituted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 197(4)(a)**, 206(1); S.S.I. 2018/102, **art. 2(b)** (with art. 4)
- F5** Words in s. 15(3)(b) inserted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 197(4)(b)**, 206(1); S.S.I. 2018/102, **art. 2(b)** (with art. 4)
- F6** S. 15(4A)-(4C) inserted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 197(5)**, 206(1); S.S.I. 2018/102, **art. 2(b)** (with art. 4)
- F7** S. 15(7)-(10) inserted (29.6.2018) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 197(6)**, 206(1); S.S.I. 2018/102, **art. 2(b)** (with art. 4)

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**Commencement Information**

- I1** S. 15 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), **art. 3**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)