

SCHEDULE

(introduced by [section 18](#))

ENFORCEMENT POWERS

Interpretation

- 1 In this schedule—
- “domestic premises”—
 - (a) means premises, or a part of premises, used (or used for the time being) exclusively as a dwelling-house, and
 - (b) includes any land or structure—
 - (i) belonging to or usually enjoyed with the dwelling-house, or
 - (ii) adjacent to and for the time being enjoyed with the dwelling-house,
 - “premises” includes—
 - (a) land,
 - (b) any other place, including—
 - (i) a vehicle or vessel,
 - (ii) a tent or other moveable structure,
 - “relevant offence” means—
 - (a) an offence under [section 1\(1\)](#),
 - (b) an offence under [section 2\(1\)](#) or [\(2\)](#),
 - (c) an offence under [section 12\(1\)](#),
 - (d) an offence under [section 14\(1\)](#), [\(3\)](#) or [\(4\)](#),
 - (e) an offence under [section 22\(10\)](#),
 - (f) an offence under [section 25\(8\)](#),
 - “relevant power” means a power conferred on a constable by—
 - (a) a provision of this schedule, or
 - (b) a warrant granted under a provision of this schedule.

Entry and associated powers

- 2 A constable may enter any premises (other than domestic premises)—
- (a) if there are reasonable grounds for suspecting that a relevant offence has been or is being committed at the premises, and
 - (b) for the purpose of ascertaining whether or not a relevant offence has been or is being committed at the premises.
- 3 (1) A sheriff or justice of the peace may grant a warrant under this sub-paragraph if satisfied—
- (a) that there are reasonable grounds for suspecting—
 - (i) that a relevant offence has been or is being committed at any premises, or
 - (ii) that evidence of the commission of, or participation in, a relevant offence is to be found at any premises, and
 - (b) that [sub-paragraph \(2\)](#) or [\(3\)](#) applies.
- (2) This sub-paragraph applies if—

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- (a) admission to the premises has been refused or such a refusal may reasonably be expected, and
 - (b) either—
 - (i) notice of the intention to seek a warrant has been given to the occupier of the premises, or
 - (ii) the giving of such notice would frustrate the purpose for which the warrant is sought.
- (3) This sub-paragraph applies if—
- (a) the premises are unoccupied, or
 - (b) the occupier is temporarily absent.
- 4 A warrant under paragraph 3(1) authorises a constable—
- (a) to enter the premises,
 - (b) to search for, examine and seize any animal (including the carcass of an animal), vehicle, equipment, document or other thing tending to provide evidence of the commission of, or participation in, a relevant offence.
- 5 (1) A constable may exercise the powers in [sub-paragraph \(2\)](#) without a warrant under [paragraph 3\(1\)](#) if—
- (a) it appears to the constable that any delay would frustrate the purpose for which the powers are to be exercised, and
 - (b) the premises are not domestic premises.
- (2) The powers are—
- (a) to enter premises,
 - (b) to search for, examine and seize any animal (including the carcass of an animal), vehicle, equipment, document or other thing tending to provide evidence of the commission of, or participation in, a relevant offence.
- 6 The power to seize an animal or vehicle under [paragraph 4\(b\)](#) or [5\(2\)\(b\)](#) may only be exercised—
- (a) where the animal or vehicle is in the possession or control of a person who the constable has reasonable grounds for suspecting has committed or is committing a relevant offence, and
 - (b) where the constable considers it appropriate to seize the animal or vehicle for the purposes of—
 - (i) enabling the animal or vehicle to be used in proceedings for a relevant offence, or
 - (ii) enabling the animal or vehicle to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.
- 7 (1) A thing seized in exercise of the power in [paragraph 4\(b\)](#) or [5\(2\)\(b\)](#) must be returned when retention of it is no longer justified for the purposes of—
- (a) enabling it to be used in proceedings for a relevant offence, or
 - (b) enabling it to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.
- (2) Sub-paragraph (1) does not apply to perishable things which no longer have any commercial value.

Stopping and detaining vehicles or vessels

- 8 (1) A constable in uniform may stop and detain a vehicle or vessel for the purpose of the exercise of a relevant power.
- (2) A vehicle or vessel may be detained under [sub-paragraph \(1\)](#) for so long as it is reasonably required for the purpose of the exercise of the power concerned.
- (3) The power concerned may be exercised either at the place where the vehicle or vessel was first detained or nearby.
- (4) In this paragraph, “vehicle” includes caravan (within the meaning of section 29(1) of the Caravan Sites and Control of Development Act 1960).

Entry and associated powers: supplementary

- 9 A warrant granted under [paragraph 3\(1\)](#) expires when it is no longer required for the purpose for which it is granted.
- 10 A constable exercising a relevant power must do so at a reasonable time unless it appears to the constable that the purpose of exercising the power would be frustrated by exercising it at such a time.
- 11 A constable may, if necessary, use reasonable force when exercising a relevant power.
- 12 A constable exercising a relevant power must produce evidence of the constable’s authority if asked to do so.
- 13 (1) A relevant power includes power to take onto premises—
- (a) such persons for assistance as are required for the purpose of exercising the power, and
 - (b) such equipment as is required for that purpose.
- (2) A relevant power includes power to do or secure the doing of any of the following—
- (a) the carrying out of tests on, and taking of samples from—
 - (i) an animal (including the carcase of an animal),
 - (ii) any equipment, substance or thing,
 - (b) the identifying of an animal by use of a mark, microchip or any other method of identification.
- 14 (1) A person mentioned in [sub-paragraph \(2\)](#) must—
- (a) comply with any reasonable direction made by a constable exercising a relevant power, and
 - (b) in particular, give the constable such information and assistance as the constable may reasonably require.
- (2) The persons are—
- (a) the occupier of premises in relation to which a relevant power is being exercised,
 - (b) a person who, in relation to an animal at the premises, appears—
 - (i) to be the owner of the animal,
 - (ii) to be responsible for the animal on a temporary or permanent basis,
 - (iii) to be in charge of the animal,
 - (iv) to have actual care and control of a person under the age of 16 years who is responsible for the animal,

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(c) a person who appears to be under the direction or control of a person mentioned in [paragraph \(a\)](#) or [\(b\)](#).

15 A constable exercising a relevant power in relation to unoccupied premises must leave the premises as effectively secured against entry as the constable found them.

Offences

16 (1) A person commits an offence if the person contravenes [paragraph 14\(1\)](#) without reasonable excuse.

(2) A person commits an offence if the person intentionally obstructs a constable in the exercise of a relevant power.

(3) A person who commits an offence under [sub-paragraph \(1\)](#) or [\(2\)](#) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Powers of constables under this schedule

17 The powers conferred on constables by this schedule do not affect any powers conferred on constables apart from this schedule.