



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Enforcement*

#### **17 Entry by warrant**

[<sup>F1</sup>(A1) This section does not apply to an enforcement officer who is acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).]

- (1) If a justice of the peace is satisfied by written information on oath that there are reasonable grounds for an enforcement officer to enter relevant premises for the purpose of ascertaining whether there has been any contravention of section 6 (prohibition of unlicensed activities), and is also satisfied—
  - (a) that admission to the premises has been refused, or that a refusal is expected, and (in either case) that notice of the intention to apply for a warrant has been given to the occupier,
  - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry,
  - (c) that the case is one of extreme urgency, or
  - (d) that the premises are unoccupied or the occupier is temporarily absent,the justice may issue a warrant authorising the enforcement officer to enter the premises, if necessary using reasonable force.
- (2) An enforcement officer entering any premises by virtue of a warrant under this section may—
  - (a) take with him when he enters those premises such other persons and such other equipment as he considers necessary,
  - (b) carry out on those premises such inspections and examinations as he considers necessary for the purpose of ascertaining whether there has been any contravention of section 6, and
  - (c) take possession of any book, document, data, record (in whatever form it is held) or product which is on the premises and retain it for as long as he considers necessary for that purpose.

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*Changes to legislation: Gangmasters (Licensing) Act 2004, Section 17 is up to date with all changes known to be in force on or before 20 August 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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- (3) On leaving any premises which an enforcement officer is authorised to enter by a warrant under this section, that officer shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.
- (4) Where by virtue of subsection (2)(c) an enforcement officer takes possession of any item, he shall leave on the premises from which the item was removed a statement giving particulars of what he has taken and stating that he has taken possession of it.
- (5) In the application of this section to Scotland—
- (a) the reference to a justice of the peace being satisfied by written information on oath, shall be read as a reference to a sheriff or a justice of the peace being satisfied; and
  - (b) “the justice” shall be read as a reference to the sheriff, or as the case may be, to the justice.

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**Textual Amendments**

- F1** S. 17(A1) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 22**; S.I. 2016/603, reg. 3(u)
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**Commencement Information**

- I1** S. 17 in force at 1.4.2005 by S.I. 2005/447, **art. 2(f)**

**Changes to legislation:**

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**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. 15(7) inserted by [2015 c. 20 s. 92](#)