



Gambling Act 2005

2005 CHAPTER 19

PART 15

INSPECTION

VALID FROM 21/05/2007

Powers and procedure

317 Powers

- (1) A constable, enforcement officer or authorised person exercising a power under or by virtue of this Part to enter premises may—
 - (a) inspect any part of the premises and any machine or other thing on the premises;
 - (b) question any person on the premises;
 - (c) require access to any written or electronic record which is kept on the premises;
 - (d) require to be supplied with a copy, in such form as he directs, of an entry in a written or electronic record which is kept on the premises;
 - (e) remove and retain anything if he reasonably believes that it constitutes or contains evidence of—
 - (i) the commission of an offence under this Act, or
 - (ii) the breach of a term or condition of a licence issued under this Act;
 - (f) remove and retain anything if he reasonably believes that it is being used or has been used in the commission of an offence under this Act.
- (2) The Secretary of State may by regulations make provision about the treatment of—
 - (a) copies supplied under subsection (1)(d), and
 - (b) things removed under subsection (1)(e) or (f).

Status: Point in time view as at 01/01/2007. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Powers and procedure. (See end of Document for details)

- (3) Regulations under subsection (2) may, in particular, make provision—
 - (a) about the retention, use, return, disposal or destruction of anything supplied or removed;
 - (b) conferring a right of appeal.
- (4) The Secretary of State may by regulations make provision about the procedure to be followed in the exercise of a power under this section.
- (5) Nothing in this Part authorises action to be taken in England and Wales in respect of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (c. 60) (legally privileged material, &c.).
- (6) A person exercising a power under or by virtue of this Part shall have regard to any relevant provision of a code of practice under that Act (and guidance under section 25 may refer to a provision of a code).
- (7) Subsection (6) does not apply as respects the exercise of a power in relation to Scotland.

318 Dwellings

- (1) A power under this Part to enter premises without a warrant does not apply in relation to a dwelling.
- (2) A justice of the peace may on the application of a constable, enforcement officer or authorised person issue a warrant authorising a constable, enforcement officer or authorised person to enter premises if the justice of the peace is satisfied—
 - (a) that, but for subsection (1), a constable, enforcement officer or authorised person would be able to enter the premises without a warrant in reliance on a provision of this Part, and
 - (b) that at least one of the conditions in subsection (3) is satisfied.
- (3) Those conditions are—
 - (a) that admission to the premises has been refused,
 - (b) that admission to the premises is likely to be refused unless a warrant is produced,
 - (c) that the purpose of entry may be frustrated or seriously prejudiced unless a constable, enforcement officer or authorised person arriving at the premises can secure immediate entry, and
 - (d) that there is likely to be nobody at the premises capable of granting admission.
- (4) A warrant may be granted in reliance on subsection (3)(a) or (b) only if the justice of the peace is satisfied—
 - (a) that notice has been given to a person occupying the premises, or having responsibility for their management, of intent to apply for a warrant, or
 - (b) that the purpose of entry may be frustrated or seriously prejudiced by the giving of notice under paragraph (a).
- (5) A warrant under subsection (2) shall cease to have effect at the end of the period of 28 days beginning with the day of issue.

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- (6) In the application of this section or section 319 to Scotland, any reference to a justice of the peace is to be construed as a reference to the sheriff or a justice of the peace.

319 Records

- (1) A constable, enforcement officer or authorised person exercising a power of entry under or by virtue of this Part may exercise a power under section 317(1)(c) to (e) in relation to records (whether written or electronic) only if the records relate entirely to the matters to which the power of entry relates.
- (2) A justice of the peace may on the application of a constable, enforcement officer or authorised person issue a warrant disapplying subsection (1) to a specified extent if the justice of the peace is satisfied that the disapplication is necessary.
- (3) A warrant may be granted under subsection (2) only if the justice of the peace is satisfied—
- (a) that notice has been given to a person in control of the records of intent to apply for a warrant, or
 - (b) that the purpose of exercising the power of entry may be frustrated or seriously prejudiced by the giving of notice under paragraph (a).
- (4) A warrant under subsection (2) shall cease to have effect at the end of the period of 28 days beginning with the day of issue.

320 Timing

A power under or by virtue of this Part may be exercised only at a reasonable time.

321 Evidence of authorisation

An enforcement officer or authorised person seeking to exercise a power under or by virtue of this Part must produce evidence of his identity and authority to a person (if there is one) who appears to the enforcement officer or authorised person to be occupying the relevant premises or to have responsibility for their management.

322 Information

- (1) The Secretary of State shall make regulations requiring a person who exercises a power under or by virtue of this Part to provide information about the power and its exercise.
- (2) Regulations under subsection (1) shall, in particular, make provision about—
- (a) the information to be provided (which may include ancillary information about a provision of this Act or another enactment or about a rule of law);
 - (b) the form and manner in which the information is to be provided;
 - (c) the person to whom, or the place at which, the information is to be provided (which may, in particular, include provision for the supply of a copy if requested by a person within a specified class);
 - (d) timing.

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- (3) A constable, enforcement officer or authorised person exercising a power under or by virtue of this Part shall comply with any relevant provision of regulations under this section.

323 Use of force

- (1) A constable may use reasonable force for the purpose of entering premises in pursuance of a power under or by virtue of this Part.
- (2) An enforcement officer may use reasonable force for the purpose of entering premises in pursuance of a power under or by virtue of section 306 or 307.
- (3) An authorised person may use reasonable force for the purpose of entering premises in pursuance of a power under section 307.

324 Person accompanying inspector, &c.

A constable, enforcement officer or authorised person exercising a power under or by virtue of this Part to enter premises may take one or more persons with him.

325 Securing premises after entry

A person who enters premises in reliance on a power under or by virtue of this Part shall take reasonable steps to ensure that when he leaves the premises they are as secure as they were before he entered.

326 Obstruction

- (1) A person commits an offence if without reasonable excuse he obstructs, or fails to cooperate with, a constable, enforcement officer or authorised person who is exercising or seeking to exercise a power under or by virtue of this Part.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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