



2014 CHAPTER 4

*Enforcement powers, etc.*

**Powers of entry**

**11.—**(1) An authorised officer has the right, on producing, if so required, the officer's authorisation—

- (a) at any reasonable hour to enter any premises, other than premises used only as a private dwelling house, which the officer reasonably believes it is necessary to enter for the purpose of ascertaining whether any of the following offences is being or has been committed on the premises and, if so, by whom—
  - (i) an offence under section 10;
  - (ii) an offence under Article 3, 4 or 4A of the Health and Personal Social Services (Northern Ireland) Order 1978;
  - (iii) an offence under Article 4, 4A or 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991;
- (b) to carry out on those premises such inspections and examinations as the officer reasonably believes are necessary for that purpose;
- (c) if the officer reasonably believes it is necessary for that purpose—
  - (i) to require the production of any book, document, data, record (in whatever form it is held) or product; and
  - (ii) to inspect it and take copies of or extracts from it;
- (d) to 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 the authorised officer reasonably believes is necessary for that purpose;

- (e) to require any person to give the officer such information, or afford the officer such facilities and assistance, as the officer reasonably believes is necessary for that purpose.
- (2) A person is not required under subsection (1) to answer any question or to produce any item mentioned in subsection (1)(c)(i) which the person would be entitled to refuse to answer or produce in or for the purpose of proceedings in a court in Northern Ireland.
- (3) An authorised officer may make such purchases and secure the provision of such services as the authorised officer reasonably believes are necessary for the purpose mentioned in subsection (1)(a).
- (4) A lay magistrate may exercise the power in subsection (6) if he or she is satisfied on a complaint in writing substantiated on oath—
  - (a) that for the purpose mentioned in subsection (1)(a) there are reasonable grounds for entry into any premises, other than premises used only as a private dwelling house; and
  - (b) of either or both of the matters mentioned in subsection (5).
- (5) The matters are—
  - (a) that admission to the premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant under this section has been given to the occupier;
  - (b) that an application for admission, or the giving of such notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his or her return.
- (6) The lay magistrate may by warrant signed by him or her authorise an authorised officer to enter the premises, if need be by force.
- (7) The warrant under subsection (6) shall continue in force until the end of the period of one month beginning with the date on which the magistrate signs it.
- (8) An authorised officer entering any premises under this section may take with the officer such other persons and such equipment as the officer reasonably believes are necessary.
- (9) If premises which an authorised officer is authorised to enter under this section are unoccupied, or if the occupier is temporarily absent, then on leaving them that officer must leave the premises as effectively secured against unauthorised entry as the officer found them.