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STATUTORY INSTRUMENTS

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**1987 No. 2049**

**The Consumer Protection (Northern Ireland) Order 1987**

**PART IV**

**ENFORCEMENT OF PART III**

**Provisions supplemental to Article 22**

**23.**—(1) An officer seizing any goods or records under Article 22 shall inform the following persons that the goods or records have been so seized, that is to say—

- (a) the person from whom they are seized; and
  - (b) in the case of imported goods seized on any premises under the control of the Commissioners of Customs and Excise, the importer of those goods (within the meaning of the Customs and Excise Management Act 1979<sup>(1)</sup>).
- (2) If a justice of the peace—
- (a) is satisfied by any written complaint on oath that there are reasonable grounds for believing either—
    - (i) that any goods or records which any officer has power to inspect under Article 22 are on any premises and that their inspection is likely to disclose evidence that there has been a contravention of any provision made by or under Part III; or
    - (ii) that such a contravention has taken place, is taking place or is about to take place on any premise; and
  - (b) is also satisfied by any such complaint either—
    - (i) 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 paragraph has been given to the occupier; or
    - (ii) that an application for admission, or the giving of such a 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 return,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise any officer of the Department to enter the premises, if need be by force.

(3) An officer entering any premises by virtue of Article 22 or a warrant under paragraph (2) may take with him such other persons and such equipment as may appear to him necessary.

(4) On leaving any premises which a person is authorised to enter by a warrant under paragraph (2), that person shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(5) If any person who is not an officer of the Department purports to act as such under Article 22 or this Article he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Where any goods seized by an officer under Article 22 are submitted to a test, the officer shall inform the persons mentioned in paragraph (1) of the result of the test and, if—

(a) proceedings are brought for an offence in respect of a contravention in relation to the goods of any provision made by or under Part III; and

(b) the officer is requested to do so and it is practicable to comply with the request, the officer shall allow any person who is a party to the proceedings or, to have the goods tested.

(7) The Department may by regulations provide that any test of goods seized under Article 22 by an officer of the Department shall—

(a) be carried out at the expense of the Department in a manner and by a person prescribed by or determined under the regulations; or

(b) be carried out either as mentioned in sub-paragraph (a) or by the Department in a manner prescribed by the regulations.

(8) Regulations under paragraph (7)—

(a) may make such supplemental, consequential and transitional provisions as the Department considers appropriate; and

(b) shall be subject to negative resolution.