

SCHEDULE

Enforcement

PART 1

Investigatory powers

Power of entry without warrant

3.—(1) The enforcement authority may enter premises (other than premises used wholly or mainly as a private dwelling) or land, at reasonable hours for the purposes of ascertaining whether there has been a breach of these Regulations.

(2) Before the enforcement authority exercises the power of entry in sub-paragraph (1) the enforcement authority must serve on the occupier of the premises or land a notice (an “inspection notice”).

(3) An inspection notice must—

- (a) be in writing;
- (b) be served on the occupier of the premises or land at least two working days before the proposed date of entry;
- (c) specify the proposed date of entry;
- (d) set out the reason for which entry is required;
- (e) summarise the enforcement authority’s powers of seizure and detention of any relevant equipment or records or other information under paragraph 5; and
- (f) explain that compensation may be payable for damage caused in seizing and removing any relevant equipment or records or other information and give the address to which an application for compensation should be directed.

(4) The requirement in sub-paragraph (2) does not apply where the enforcement authority—

- (a) reasonably suspects a breach of these Regulations; and
- (b) reasonably considers that to give notice in accordance with sub-paragraph (2) would defeat the purpose of the entry.

(5) If the enforcement authority enters premises or land in the circumstances referred to in sub-paragraph (4) and finds one or more occupiers on the premises or land, the enforcement authority must provide to the occupier, or if there is more than one occupier, to at least one of them, a document that—

- (a) is in writing;
- (b) meets the requirements of sub-paragraphs (3)(d) to (3)(f); and
- (c) where applicable, indicates the nature of the alleged breach of these Regulations.

(6) The enforcement authority must produce suitable identification to the occupier of the premises or land, or (if there is more than one) to at least one of them, when requested to do so by them.

(7) The enforcement authority, when entering any premises or land by virtue of this paragraph, may be accompanied by such persons and take such equipment as appear to the enforcement authority to be necessary.