



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART I

LICENSING—GENERAL PROVISIONS

5 Rights of entry and inspection.

- (1) Without prejudice to any other provision of this Act, an authorised officer of the licensing authority or the fire authority or a constable may, for the purposes specified in subsection (2) below, at any reasonable time—
 - (a) enter and inspect any premises, vehicle or vessel used or to be used for an activity in relation to which a licence is in force or has been applied for under this Act;
 - (b) require production of and inspect any equipment, plant, apparatus or stock-in-trade which is or is to be kept or used in connection with any such activity;
 - (c) require production of and inspect any records or other documents required by or under this Part or Part II of this Act to be kept by the holder of the licence and take copies of or extracts from any such record or document.
- (2) The purposes referred to in subsection (1) above are—
 - (a) where a licence is in force—
 - (i) seeing whether the terms of the licence are being complied with and, if they are not, obtaining information in respect of such non-compliance;
 - (ii) obtaining information relevant to the question whether the terms of the licence should be varied under paragraph 10 of Schedule 1 to this Act or whether the licence should be renewed or, under paragraph 11 or 12 of that Schedule, suspended; or
 - (b) where the grant of a licence has been applied for, obtaining information relevant to the question whether the application should be granted.
- (3) Any person who—

Status: Point in time view as at 01/10/2003. This version of this provision has been superseded.

Changes to legislation: Civic Government (Scotland) Act 1982, Section 5 is up to date with all changes known to be in force on or before 24 May 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)

- (a) being a person for the time being in charge of any premises, vehicle or vessel, fails without reasonable excuse to permit a constable or an authorised officer of a licensing authority or a fire authority who, in pursuance of subsection (1) above, demands to do so to enter or inspect the premises, vehicle or vessel or obstructs the entry thereto of a constable or such an officer, in pursuance of that subsection;
- (b) being a person in respect of whom powers are exercised under subsection (1) above, on being required under that subsection to do so by a constable or an authorised officer of the licensing authority or the fire authority, fails without reasonable excuse to produce any equipment, plant, apparatus or stock-in-trade or to permit a constable or such an officer, in pursuance of that subsection, to inspect any equipment, plant, apparatus or stock-in-trade;
- (c) being a holder of a licence, on being required by a constable or an authorised officer of the licensing authority or the fire authority, in pursuance of subsection (1) above, to produce any records or other document required by or under this Part or Part II of this Act to be kept by the holder of a licence, fails without reasonable excuse to produce them;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 3 on the standard scale].

- (4) An authorised officer of a licensing authority or a constable may require any person who the officer or constable has reasonable ground to believe is carrying on an activity which requires to be licensed to produce his licence within 5 days of being required to do so.
- (5) Any person who, having been required under subsection (4) above to produce a licence, fails without reasonable excuse to do so within the period of 5 days specified in that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F1}level 1 on the standard scale].
- (6) An authorised officer of a licensing authority or the fire authority shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his authorisation—
 - (a) in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
 - (b) in any other case, to the person in respect of whom the powers are to be exercised.
- (7) A constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his identification—
 - (a) in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
 - (b) in any other case, to the person in respect of whom the powers are to be exercised.

Textual Amendments

F1 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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