



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 6

SUPPLEMENTARY

Powers of entry

45 Obtaining information and investigating fires

- (1) An authorised officer may at any reasonable time enter premises—
 - (a) for the purpose of obtaining information needed for the discharge of a fire and rescue authority's functions under section 7, 8 or 9, or
 - (b) if there has been a fire in the premises, for the purpose of investigating what caused the fire or why it progressed as it did.
- (2) In this section and section 46, "authorised officer" means an employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of this section.
- (3) An authorised officer may not under subsection (1)—
 - (a) enter premises by force, or
 - (b) demand admission as of right to premises occupied as a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling.
- (4) An authorised officer may not under subsection (1)(b) enter as of right premises in which there has been a fire if—
 - (a) the premises are unoccupied, and
 - (b) the premises were occupied as a private dwelling immediately before the fire, unless 24 hours' notice in writing has first been given to the person who was the occupier of the dwelling immediately before the fire.
- (5) An authorised officer may apply to a justice of the peace if—

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 45. (See end of Document for details)

- (a) he considers it necessary to enter premises for the purposes of subsection (1), but
 - (b) he is unable to do so, or considers that he is likely to be unable to do so, otherwise than by force.
- (6) If on an application under subsection (5) a justice is satisfied that—
- (a) it is necessary for the officer to enter the premises for the purposes of subsection (1), and
 - (b) he is unable to do so, or is likely to be unable to do so, otherwise than by force, he may issue a warrant authorising the officer to enter the premises by force at any reasonable time.
- (7) An authorised officer may also apply to a justice of the peace if he considers it necessary to enter a dwelling for the purposes of subsection (1) without giving notice as required by subsection (3)(b) or (4).
- (8) If on an application under subsection (7) a justice is satisfied that it is necessary for the authorised officer to enter the dwelling for the purposes of subsection (1) without giving notice as required by subsection (3)(b) or (4), the justice may issue a warrant authorising the officer to enter the premises at any time (by force if necessary).
- (9) An authorised officer exercising a power of entry under this section must, if so required, produce evidence of his authorisation under subsection (2), and any warrant under subsection (6) or (8)—
- (a) before entering the premises, or
 - (b) at any time before leaving the premises.

Modifications etc. (not altering text)

- C1** S. 45 applied (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), **17(3)**
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Commencement Information

- I1** S. 45 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), **art. 2** (with art. 3)
- I2** S. 45 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Status:

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Changes to legislation:

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