

*These notes refer to the Gambling Act 2005 (c.19)
which received Royal Assent on 7 April 2005*

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 15: Private gaming and betting

Part 15: Inspection

Section 318: Dwellings

790. A person exercising a power of entry under this Part may only enter a dwelling where authorised to do so by judicial warrant. A justice of the peace or the sheriff in Scotland may only issue a warrant if he is satisfied that, but for the requirement for a warrant, the person would be able to enter the premises in reliance on a provision of this Part. The justice of the peace or sheriff must also be satisfied that one of the following conditions listed in *subsection (3)* is met:
- Admission to the premises has previously been refused;
 - Admission is likely to be refused without a warrant;
 - A search may be frustrated or endangered if immediate entry is not secured; and
 - There is likely to be no-one present to grant admission to the premises.
791. If a warrant is to be granted for reasons in *subsection (3)(a)* or *(b)*, the justice of the peace or sheriff must be satisfied that notice of the intention to apply for a warrant has been given to the appropriate person (i.e. the occupier of the premises or the person with responsibility for their management). Where no notice has been given, he must be satisfied that the giving of notice would seriously prejudice the purpose of the search.
792. *Subsection (5)* provides that a warrant issued under this section is to have effect for 28 days from the date of issue.