

*Changes to legislation: There are currently no known outstanding effects for the Sunbeds (Regulation) Act 2010. (See end of Document for details)*

SCHEDULE **E+W**

Section 7

POWERS OF ENTRY ETC.

**Modifications etc. (not altering text)**

**C1** Sch. applied (with modifications) (W.) (31.10.2011) by [The Sunbeds \(Regulation\) Act 2010 \(Wales\) Regulations 2011 \(S.I. 2011/1130\)](#), regs. 1(2), **9(3)(4)**

- 1 In this Schedule “authorised officer” means an authorised officer of a local authority.
- 2 An authorised officer has the right, on production (if so required) of the officer's written authority—
- (a) to enter any premises (other than domestic premises) at which the officer has reason to believe that a sunbed business is being carried on;
  - (b) to carry out on those premises such inspections as the officer considers necessary for the purpose of the proper exercise of the officer's functions under this Act;
  - (c) where the officer considers it necessary for that purpose, to require the production of any book, document or record (in whatever form it is held) and inspect it, and take copies of or extracts from it;
  - (d) to take possession of any book, document or record which is on the premises (in whatever form it is held) and retain it for as long as the officer considers necessary for that purpose;
  - (e) to require any person to give such information, or afford such facilities and assistance, as the officer considers necessary for that purpose.
- 3 An authorised officer may make such purchases and secure the provision of such services as the officer considers necessary for the purpose of the proper exercise of the officer's functions under this Act.
- 4 A person may not be required under paragraph 2 to answer any question or to produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- 5 (1) A justice of the peace may by warrant signed by the justice authorise any authorised officer to enter any premises, other than domestic premises, if needs be by force if the justice is satisfied on sworn information in writing—
- (a) that for the purpose of the proper exercise of the functions of a local authority under this Act there are reasonable grounds for entry into the premises, and
  - (b) of either or both of the matters mentioned in sub-paragraph (2).
- (2) Those matters are—
- (a) 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 Schedule has been given to the occupier or to a person who appears to the local authority to be concerned in the management of the premises;
  - (b) that an application for admission, or the giving of such 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 the occupier's return.

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- (3) A warrant under this paragraph continues in force until the end of the period of one month beginning with the date on which the justice signs it.
- 6 An authorised officer (“A”) entering any premises by virtue of paragraph 2, or of a warrant under paragraph 5, may take with A such other persons and such equipment as A considers necessary.
- 7 If premises which an authorised officer is authorised to enter by a warrant under paragraph 5 are unoccupied, or if the occupier is temporarily absent, then on leaving them the officer must leave the premises as effectively secured against trespassers as the officer found them.
- 8 If by virtue of paragraph 2(d) an authorised officer takes possession of anything, the officer must leave on the premises from which it was taken a statement giving particulars of what the officer has taken and stating that the officer has taken possession of it.

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