

SCHEDULE 5

OFFENCES, ENFORCEMENT AND OTHER MATTERS

PART II

PROVISIONS AS TO ENFORCEMENT

Right to make representations

7.—(1) This paragraph shall not apply to the making of an application to a justice of the peace or, in Scotland, a sheriff for a warrant of entry under paragraph 11(4) (application for warrant of entry to premises) or to the entering of premises by authority of a warrant granted in pursuance of such an application.

(2) Subject to sub-paragraph (1) and to paragraph 8 (application of paragraphs 6 and 7 to other interested persons), before taking any enforcement action under these Regulations against any person, an enforcement authority or, as the case may be, a duly authorised officer of an enforcement authority—

- (a) shall give to the person a written notice stating—
 - (i) that the authority or the officer is considering taking the action and the reasons why it or he is considering it; and
 - (ii) that the person may, within the period of not less than 14 clear days following the date of giving to him of the notice, make written representations to that officer or another duly authorised officer of the authority or, if he so requests, make oral representations to the officer or another duly authorised officer of the authority in the presence of an independent third person who shall be appointed by the authority; and
- (b) shall consider any representations which are duly made and not withdrawn.