



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 10

FURTHER CRIMINAL MEASURES

Sale of spray paint to children

125 Offences under sections 122 and 123: powers of entry, inspection and seizure

- (1) Subject to subsection (3), an authorised officer of a local authority may at any reasonable hour exercise any of the powers conferred by subsections (4) to (7).
- (2) In subsection (1), “authorised officer”, in relation to a local authority, means an officer of the authority authorised in writing by it for the purposes of this section.
- (3) An officer seeking to exercise a power mentioned in subsection (1) shall, if requested, produce evidence of identity and authorisation.
- (4) The officer may, for the purpose of ascertaining whether a relevant offence has been committed—
 - (a) inspect any goods; and
 - (b) enter any premises (other than premises used only as a dwelling).
- (5) If the officer has reasonable cause to suspect that a relevant offence has been committed, the officer may, for the purpose of ascertaining whether it has been committed—
 - (a) require any person carrying on, or employed in connection with, a business, to produce any records relating to the business; and
 - (b) take copies of, or of any entry in, any records produced by virtue of paragraph (a).
- (6) If the officer has reasonable cause to believe that a relevant offence has been committed, the officer may, for the purpose of ascertaining, by testing or otherwise, whether it has been committed, seize and detain any goods.

Status: This is the original version (as it was originally enacted).

- (7) The officer may seize and detain any goods or records which the officer has reason to believe may be required as evidence in proceedings for a relevant offence.
- (8) In this section, “relevant offence” means an offence under section 122(1) or 123(4).