

Changes to legislation: There are currently no known outstanding effects for the Water Services etc. (Scotland) Act 2005, Paragraph 6. (See end of Document for details)

SCHEDULE 2 LICENCES AND COMPLIANCE: FURTHER PROVISION

Powers of entry etc.: further provision

- 6 (1) A person entitled to enter premises by virtue of the power mentioned in paragraph 5(2)(a)—
- (a) may take on to the premises such other persons and such equipment as may be necessary; but this is, where that power is exercisable under a warrant, subject to the terms of the warrant; and
 - (b) must, if required to do so, produce written evidence of that entitlement.
- (2) A person who enters premises in the exercise of the power mentioned in paragraph 5(2)(a) must leave the premises as effectually secured against trespassers as the person found them.
- (3) Where a person exercises the power mentioned in paragraph 5(2)(a), the Commission is to make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise that power; or
 - (b) the carrying out of, or failure to carry out, the duty imposed by sub-paragraph (2),
- except in so far as the loss or damage is attributable to the fault of the person who sustained it.
- (4) Any person who makes use of or discloses any trade secret of which the person has gained knowledge as a result of the exercise of any power conferred by paragraph 5(1) and (2) is guilty of an offence.
- (5) Any person who—
- (a) intentionally obstructs a person acting in the exercise of any power conferred by paragraph 5(1) and (2); or
 - (b) refuses or fails, without reasonable excuse, to comply with a requirement made under paragraph 5(5),
- is guilty of an offence.
- (6) A person who is guilty of an offence under sub-paragraph (4) or (5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

Commencement Information

II Sch. 2 para. 6 in force at 7.9.2006 by [S.S.I. 2006/445](#), art. 2, [Sch.](#)

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