



Fire (Scotland) Act 2005

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PART 2

FIRE AND RESCUE SERVICES

CHAPTER 5

POWERS OF EMPLOYEES AND CONSTABLES

Obtaining information

27 Powers of authorised employees in relation to obtaining information

- (1) Subject to subsection (2) an employee of a relevant authority who is authorised in writing by the authority for the purposes of this section (an “authorised employee”) may at any reasonable time enter premises for the purpose of obtaining information needed for the carrying out of the authority’s functions under section 9, 10 or 11.
- (2) An authorised employee may not under subsection (1)—
 - (a) enter premises by force; or
 - (b) demand admission to premises occupied as a private dwelling unless 24 hours’ notice in writing has first been given to the occupier of the dwelling.
- (3) If, on the application of an authorised employee, a sheriff or justice of the peace is satisfied—
 - (a) that—
 - (i) it is necessary for the employee to enter premises for the purposes of subsection (1); and
 - (ii) the employee is unable to do so, or is likely to be unable to do so, otherwise than by force,the sheriff or justice may issue a warrant authorising the employee to enter the premises by force at any reasonable time; or
 - (b) that it is necessary for the employee to enter premises for the purposes of subsection (1) without giving notice as required by subsection (2)(b), the

Status: This is the original version (as it was originally enacted).

sheriff or justice may issue a warrant authorising the employee to enter the premises at any time (by force if necessary).

- (4) If an authorised employee exercises a power of entry by virtue of this section, the employee may—
- (a) take onto the premises—
 - (i) such other persons; and
 - (ii) such equipment,as the employee considers necessary; and
 - (b) require any person present on the premises to provide the employee with any—
 - (i) facilities, information, documents or records; or
 - (ii) other assistance,that the employee may reasonably request.
- (5) An authorised employee exercising a power of entry by virtue of this section shall, if so required, produce the items mentioned in subsection (6)—
- (a) before entering the premises; or
 - (b) at any time before leaving the premises.
- (6) Those items are—
- (a) evidence of the employee’s authorisation for the purpose of this section; and
 - (b) any warrant under subsection (3)(a) or (b).