
Changes to legislation: Civic Government (Scotland) Act 1982, Paragraph 20 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

CONTROL OF SEX SHOPS

Rights of entry and inspection

- 20 (1) Without prejudice to any other provision of this Schedule an authorised officer of the [F1local authority][F2, an authorised civilian employee][F3 ... or a constable may, for the purposes specified in sub-paragraph (2) below, at any reasonable time enter and inspect any premises, vehicle, vessel or stall in relation to which a licence under this Schedule is in force or has been applied for.
- (2) The purposes referred to in sub-paragraph (1) above are—
- (a) where a licence is in force—
- (i) seeing whether the terms of the licence are being complied with and, if they are not, obtaining information in respect of such non-compliance;
 - (ii) obtaining information relevant to the question whether the licence should be renewed;
 - (iii) seeing whether paragraph 11 above is being complied with;
 - (iv) ascertaining whether any person is being employed contrary to paragraph 19(1) above or whether any person under the age of 18 has been permitted to enter the sex shop contrary to that paragraph; or
- (b) where the grant of a licence has been applied for, obtaining information relevant to the question whether the application should be granted.
- (3) An authorised officer of a [F1local authority][F4 or an authorised civilian employee][F5 ... shall not be entitled to exercise the powers which he may exercise under sub-paragraph (1) above until he has produced his authorisation to the person for the time being in charge of the premises, vehicle, vessel or stall.
- (4) A constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under sub-paragraph (1) above until he has produced his identification to the person for the time being in charge of the premises, vehicle, vessel or stall.
- (5) Any person in charge of any premises, vehicle, vessel or stall who fails without reasonable excuse to permit a constable [F6, an authorised civilian employee] or an authorised officer of the [F1local authority][F7 ... who, in pursuance of this paragraph, demands to do so to enter or inspect the premises, vehicle, vessel or stall or obstructs the entry thereto of a constable or such [F8 employee or] officer in pursuance of this paragraph shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F9]level 3 on the standard scale].

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Textual Amendments

- F1** Words in Sch. 2 para. 20(1)(3)(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(22)(l)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in Sch. 2 para. 20(1) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(6)(a)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F3** Words in Sch. 2 para. 20(1) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F4** Words in Sch. 2 para. 20(3) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(6)(b)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F5** Words in Sch. 2 para. 20(3) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F6** Words in Sch. 2 para. 20(5) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(6)(c)(i)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F7** Words in Sch. 2 para. 20(5) repealed (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 2**
- F8** Words in Sch. 2 para. 20(5) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 173(6)(c)(ii)**, 206(1); S.S.I. 2010/413, art. 2, sch.
- F9** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)