



# Tobacco Advertising and Promotion Act 2002

## 2002 CHAPTER 36

### 14 Powers of entry, etc

- (1) A duly authorised officer of an enforcement authority has the right, on producing, if so required, his written authority—
  - (a) at any reasonable hour to enter any premises, other than premises used only as a private dwelling house, which he considers it is necessary for him to enter for the purpose of the proper exercise of his functions under this Act,
  - (b) to carry out on those premises such inspections and examinations as he considers necessary for that purpose,
  - (c) where he considers it necessary for that purpose, to require the production of any book, document, data, record (in whatever form it is held) or product and inspect it, and take copies of or extracts from it,
  - (d) to take possession of any book, document, data, record (in whatever form it is held) or product which is on the premises and retain it for as long as he considers necessary for that purpose,
  - (e) to require any person to give him such information, or afford him such facilities and assistance, as he considers necessary for that purpose.
- (2) A duly authorised officer of an enforcement authority may make such purchases and secure the provision of such services as he considers necessary for the purpose of the proper exercise of his functions under this Act.
- (3) A person is not obliged by subsection (1) to answer any question or produce any document which he would be entitled to refuse to answer or to produce—
  - (a) in or for the purposes of proceedings in a court in England and Wales, where the question is asked or the document is required by a duly authorised officer of an enforcement authority in England and Wales,
  - (b) in or for the purposes of proceedings in a court in Northern Ireland, where the question is asked or the document is required by a duly authorised officer of an enforcement authority in Northern Ireland,

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(c) in or for the purposes of proceedings in a court in Scotland, where the question is asked or the document is required by a duly authorised officer of an enforcement authority in Scotland.

(4) If a justice of the peace is satisfied by any written information on oath that for the purpose of the proper exercise of the functions of an enforcement authority under this Act there are reasonable grounds for entry into any premises, other than premises used only as a private dwelling house, and—

- (a) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this subsection has been given to the occupier, or
- (b) that an application for admission, or the giving of such notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant signed by him, which shall continue in force until the end of the period of one month beginning with the date on which he signs it, authorise any duly authorised officer of an enforcement authority to enter the premises, if need be by force.

(5) A duly authorised officer entering any premises by virtue of subsection (1) or of a warrant under subsection (4) may take with him when he enters those premises such other persons and such equipment as he considers necessary.

(6) On leaving any premises which a duly authorised officer is authorised to enter by a warrant under subsection (4), that officer shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(7) Where by virtue of subsection (1)(d) a duly authorised officer takes possession of any item, he shall leave on the premises from which the item was removed a statement giving particulars of what he has taken and stating that he has taken possession of it.

(8) In the application of this section to Northern Ireland, the reference in subsection (4) to any information on oath shall be construed as a reference to any complaint on oath.

(9) In the application of this section to Scotland, the reference in subsection (4) to a justice of the peace shall be construed as a reference to a sheriff.

(10) Where a direction of the appropriate Minister has effect under section 13(3), this section and section 15 have effect, in relation to any case or case of a description specified in the direction, as if references to a duly authorised officer of an enforcement authority were references to a person acting on behalf of the appropriate Minister.

<sup>F1</sup>(11) .....

(12) Where—

- (a) the Secretary of State takes over any proceedings by virtue of section 13(5),  
<sup>F2</sup> ...
- (b) the Department of Health, Social Services and Public Safety takes over the conduct of any proceedings by virtue of section 13(6),

[<sup>F3</sup>(aa) the Welsh Ministers take over any proceedings by virtue of section 13(5A), or] this section and section 15 have effect, in relation to any case which is the subject of such proceedings, as if references to a duly authorised officer of an enforcement

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authority were references to a person acting on behalf of the Secretary of State or (as the case may be)<sup>F4</sup>the Welsh Ministers or] the Department.

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#### Textual Amendments

- F1** S. 14(11) repealed (31.10.2012 for N.I., 31.12.2012 in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 4 para. 8\(2\)](#), [Sch. 6](#); S.R. 2012/389, art. 2(1)(b)(iii); S.I. 2012/2647, art. 2(b)
- F2** Word in s. 14(12)(a) repealed (6.4.2012) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 4 para. 8\(3\)\(a\)](#), [Sch. 6](#); S.I. 2010/1068, art. 2(1A)(c) (as amended (9.5.2011) by S.I. 2011/1255, art. 2(a)(b))
- F3** S. 14(12)(aa) inserted (1.6.2012 for W.) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 4 para. 8\(3\)\(b\)](#); S.I. 2012/1288, art. 2(1)(b)
- F4** Words in s. 14(12) inserted (1.6.2012 for W.) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 4 para. 8\(3\)\(c\)](#); S.I. 2012/1288, art. 2(1)(b)

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#### Modifications etc. (not altering text)

- C1** S. 14 applied by SI 1991/2872 (N.I. 25), art. 4A(5) (as inserted (12.11.2009 for specified purposes, 1.3.2012 in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), [ss. 23](#), 40(1), 40(6)(b); S.R. 2012/68, art. 2)
- C2** S. 14 applied by 1991 c. 23, s. 3A(5) (as inserted (12.11.2009 for specified purposes, 1.10.2011 for E., 1.2.2012 for W. in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), [ss. 22\(1\)](#), 40(1), 40(6)(b); S.I. 2010/1068, art. 2(1)(a) (as amended (9.5.2011) by S.I. 2011/1255, art. 2(a)(b)); S.I. 2011/2362, art. 2)

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#### Commencement Information

- I1** S. 14 wholly in force at 14.2.2003; s. 14 not in force at Royal Assent see s. 22(1)(2); s. 14 wholly in force at 14.2.2003 by S.I. 2002/2865, [art. 2\(2\)\(i\)](#); S.S.I. 2002/512, [art. 2\(2\)\(i\)](#)

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