
STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 3

ENFORCEMENT

Powers of entry and search etc.

22.—(1) An officer of an enforcement authority may at any reasonable hour and on production, if required, of his credentials exercise any of the powers conferred by the following provisions of this regulation.

(2) The officer may, for the purposes of ascertaining whether there has been a contravention of a requirement imposed by or under these Regulations, enter any premises other than premises occupied only as a person's residence and inspect any record or product.

(3) The officer may, for the purpose of ascertaining whether there has been a contravention of a requirement imposed by or under these Regulations, examine any procedure (including any arrangements for carrying out a test) connected with the production of a product.

(4) If the officer has reasonable grounds for suspecting that the product has not been placed on the market or supplied in the United Kingdom since it was manufactured or imported he may for the purpose of ascertaining whether there has been a contravention in relation to the product of a requirement imposed by or under these Regulations—

- (a) require a person carrying on a commercial activity, or employed in connection with a commercial activity, to supply all necessary information relating to the activity, including by the production of records,
- (b) require any record which is stored in an electronic form and is accessible from the premises to be produced in a form —
 - (i) in which it can be taken away, and
 - (ii) in which it is visible and legible.
- (c) for the purpose of ascertaining (by testing or otherwise) whether there has been any such contravention, seize and detain samples of the product,
- (d) take copies of, or of an entry in, any records produced by virtue of sub-paragraph (a).

(5) If the officer has reasonable grounds for suspecting that there has been a contravention in relation to a product of a requirement imposed by or under these Regulations, he may—

- (a) for the purpose of ascertaining whether there has been any such contravention, require a person carrying on a commercial activity, or employed in connection with a commercial activity, to supply all necessary information relating to the activity, including by the production of records,
- (b) for the purpose of ascertaining whether there has been any such contravention, require any record which is stored in an electronic form and is accessible from the premises to be produced in a form —

- (i) in which it can be taken away, and
 - (ii) in which it is visible and legible,
 - (c) for the purpose of ascertaining (by testing or otherwise) whether there has been any such contravention, seize and detain samples of the product,
 - (d) take copies of, or of an entry in, any records produced by virtue of sub-paragraph (a).
- (6) The officer may seize and detain any products or records which he has reasonable grounds for believing may be required as evidence in proceedings for an offence in respect of a contravention of any requirement imposed by or under these Regulations.
- (7) If and to the extent that it is reasonably necessary to do so to prevent a contravention of any requirement imposed by or under these Regulations, the officer may, for the purpose of exercising his power under paragraphs (4) to (6) to seize products or records—
- (a) require any person having authority to do so to open any container or to open any vending machine; and
 - (b) himself open or break open any such container or machine where a requirement made under sub-paragraph (a) in relation to the container or machine has not been complied with.