
STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 3

ENFORCEMENT

Provisions supplemental to regulation 22 and search warrants etc.

23.—(1) An officer seizing any products or records shall, before he leaves the premises, provide to the person from whom they were seized a written notice—

- (a) specifying the products (including the quantity thereof) and records seized,
- (b) stating the reasons for their seizure, and
- (c) explaining the right of appeal under regulation 25.

(2) References in paragraph (1) and regulation 25 to the person from whom something has been seized, in relation to a case in which the power of seizure was exercisable by reason of the product having been found on any premises, are references to the occupier of the premises at the time of the seizure.

(3) If a justice of the peace—

- (a) is satisfied by written information on oath that there are reasonable grounds for believing either—
 - (i) that any products or records which an officer has power to inspect under regulation 22 are on any premises and that their inspection is likely to disclose evidence that there has been a contravention of any requirement imposed by or under these Regulations, or
 - (ii) that such a contravention has taken place, is taking place or is about to take place on any premises, and
- (b) is also satisfied by such information either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of the intention to apply for a warrant under this paragraph has been given to the occupier, or
 - (ii) that an application for admission, or the giving of such a 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 under his hand, which shall continue in force for a period of one month, authorise any officer of an enforcement authority to enter the premises, if need be by force.

(4) An officer entering premises by virtue of regulation 22 or a warrant under paragraph (3) may take him such other persons and equipment as may appear to him necessary.

(5) On leaving any premises which a person is authorised to enter by a warrant under paragraph (3), that person shall, if the premises are unoccupied or the occupier is temporarily absent—

- (a) leave the premises as effectively secured against trespassers as he found them,
- (b) attach a notice such as is mentioned in paragraph (1) in a prominent place at the premises.

(6) Where a product seized by an officer of an enforcement authority under regulation 22 or 23 is submitted to a test, the authority shall inform the person mentioned in paragraph (1) of the result of the test and, if—

- (a) proceedings are brought for an offence in respect of a contravention in relation to the product of any requirement imposed by or under these Regulations or for the forfeiture of the product under regulation 18 or 19; or
- (b) a safety notice is served in respect of the product; and
- (c) the authority is requested to do so and it is practicable for him to comply with the request,

then the authority shall allow a person who is a party to the proceedings or, on whom the notice was served or who has an interest in the product to which the notice relates to have the product tested.

(7) If a person who is not an officer of an enforcement authority purports to act as such under regulation 22 or under this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) In the application of this section to Scotland, the reference in paragraph (3) to a justice of the peace shall include a reference to a sheriff and the reference to written information on oath shall be construed as a reference to evidence on oath.

(9) In the application of this section to Northern Ireland, the reference in paragraph (3) to a justice of the peace shall include a reference to a lay magistrate and the references to an information on oath shall be construed as a reference to a complaint on oath.