

SCHEDULE 7

Regulation 10(5)

Powers of inspectors and local weights and measures authorities

Powers of entry and inspection

1. Any inspector may, within the area for which he is appointed an inspector and on production if so requested of his credentials, at all reasonable times—

- (a) enter any premises (except premises used only as a private dwelling-house) as to which he has reasonable cause to believe that packages are made up on the premises or that imported packages belonging to the importer of them are on the premises or that packages intended for sale are on the premises;
- (b) inspect and test any equipment which he has reasonable cause to believe is used in making up packages in the United Kingdom or in carrying out a check mentioned in paragraphs (1) and (3) of regulation 9;
- (c) inspect, and measure in such manner as he thinks fit, any thing which he has reasonable cause to believe is or contains or is contained in a package and, if he considers it necessary to do so for the purpose of inspecting the thing or anything in it, break it open;
- (d) inspect and take copies of, or of any thing purporting to be—
 - (i) a record, document, or certificate of a kind mentioned in regulations 5(2), 9(1) or 9(3)(a); or
 - (ii) evidence of a kind mentioned in regulations 9(3)(b) or 9(4);
- (e) require any person on premises which the inspector is authorised to enter by virtue of paragraph (a) to provide such assistance as the inspector reasonably considers necessary to enable the inspector to exercise effectively any power conferred on him by paragraphs (a) to (d);
- (f) require any person to give to the inspector such information as the person possesses about the name and address of the packer and of any importer of a package which the inspector finds on premises he has entered by virtue of this paragraph or paragraph 2.

2. If a justice of the peace, on sworn information in writing—

- (a) is satisfied there is reasonable ground to believe that—
 - (i) a package or thing containing a package, or
 - (ii) any such equipment, record, document or certificate as is mentioned in paragraph 1,

is on any premises or that an offence under regulations 12 to 15 is being or is about to be committed on any premises, and

- (b) is also satisfied either—
 - (i) that admission to the premises has been refused or that a refusal is apprehended and that notice of the intention to apply for a warrant 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 an inspector to enter the premises if need be by force.

In the application of this paragraph to Scotland, “justice of the peace” includes a sheriff.

3.—(1) An inspector entering any premises by virtue of paragraph 1 or 2 may take with him such other persons and equipment as he considers necessary.

(2) It shall be the duty of an inspector who leaves premises which he has entered by virtue of paragraph 2 and which are unoccupied or from which the occupier is temporarily absent to leave the premises as effectively secured against trespassers as he found them.

Power of seizure

4. Where an inspector has reasonable cause to believe that an offence under regulations 12 to 15 or this Schedule has been committed and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence he may seize it and detain it for as long as it is so required.

Power to require information

5.—(1) An inspector may serve, on any person carrying on business as a packer or importer of packages in the area for which the inspector is appointed an inspector, a notice requiring that person—

- (a) to furnish the inspector from time to time with particulars of the kind specified in the notice of any marks which are applied from time to time to packages made up in that area by that person or to packages imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and
- (b) if the person has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied to such packages for that purpose, to give notice of the cesser to the inspector.

(2) A notice given by an inspector under this paragraph shall not require a person to furnish information which he does not possess.

Purchase of goods

6.—(1) A local weights and measures authority may purchase goods, and authorise any of its officers to purchase goods on behalf of the authority, for the purpose of ascertaining whether an offence under regulations 12 to 15 has been committed.

(2) If an inspector breaks open a package in pursuance of paragraph 1(c) otherwise than on premises occupied by the packer or importer of the package, and the package is not such that the packer or importer is in breach of regulation 4(1)(c), it shall be the duty of the inspector, if the owner of the package requests him to do so, to buy the package on behalf of the local weights and measures authority for the area in which he broke it open.

Failure to provide assistance or information

7. Any person who without reasonable cause fails to comply with a requirement made of him in pursuance of paragraph 1(e), 1(f) or 5 shall be guilty of an offence.