

PREM 19/485

PART 1

Confidential Filing

Review of rights of entry
Report by National Federation of
Self Employed and Small Businesses/
Adam Smith publication "An Inspector
at the Door"
Correspondence from Mr David Atkinson MP
Enquiry into the Enforcement Powers of the Revenue Dept.

HOME AFFAIRS

OCTOBER 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
7.12.79		3.2.81					
2.12.79		13.2.81					
10.12.79		9.3.81					
11.12.79		18.3.81					
20.12.79		10.4.81					
21.12.79		8.6.81					
11.1.80		16.6.81					
16.1.80		25.6.81					
4.1.80		30.6.81					
27.2.80		25.9.81					
28.2.80		— Ends —					
11.4.80		X					
8.6.80							
17.8.80							
19.8.80							
12.80							
12.80							
16.12.80							
19.12.80							
7.1.81							
22.1.81							

PREM 19/485

PART 1 **ends:-**

TL to WR 25.9.81

PART 2 **begins:-**

RTA to CAW 5.1.82

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
H (81) 44	18.6.81
H (81) 45	18.6.81
H (81) 46	19.6.81
H (81) 47	19.6.81
H (81) 20 th Conclusions, Minute 1	23.6.81

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed AWayland

Date 26 April 2011

PREM Records Team

Home Affairs

MR. RICKETT

(s/v)

Stephen Boys-Smith would like to have a word with you about powers of entry and dogs in Northern Ireland. There has apparently been correspondence between the Northern Ireland Secretary and the Solicitor General on the powers of entry that dog wardens should have, and a measure of agreement has been reached. But the Northern Ireland Office are apparently worried that they may have gone further than the remit on powers of entry that they were at some stage given by the Prime Minister. I told Stephen I knew nothing about any of this, and that it might be better if he spoke to you on Thursday.

Can you ring him please?

Note

I have told Mike Hopkins that we hope this can be resolved between his firm & Sir Ken Perceval, or failing that, in the Committee.

WAB

30/9

R

25 September, 1981.



PARLIAMENTARY UNDER
SECRETARY OF STATE

DEPARTMENT OF ENERGY
THAMES HOUSE SOUTH
MILLBANK
LONDON, SW1P 4QJ

Direct Line 01 211 3390
Switchboard 01-211 3000

Have Affair

The Rt Hon Nicholas Edwards MP
Secretary of State for Wales
Welsh Office
Gwydyr House WHITEHALL
SW1A 2ER

WM 1/7

30 June 1981

Daw Niek

POWERS OF ENTRY

I have seen your letter dated 16 June, and can offer you the rather uncertain possibility of a place in the Energy Miscellaneous Provisions Bill which I hope to see in the programme for 1982/83. (The Bill will deal, inter alia, with the revocation of 3 powers of entry in my field). The uncertainty, of course, arises from the tentative nature of all bids for that programme and the fact that policy clearance for the main item in the proposed Bill has not yet been secured.

You may care to consider this possibility if colleagues have none better to offer, and if you decide to take the matter further your officials could approach mine.

I am copying this to the Prime Minister, members of the Cabinet, the Legal Secretary, the Lord Advocate and Sir Robert Armstrong.

NORMAN LAMONT

Jr -

Norman

How Affairs

DEPARTMENT OF INDUSTRY
 ASHDOWN HOUSE
 123 VICTORIA STREET
 LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 3301
 SWITCHBOARD 01-212 7676

Secretary of State for Industry

25 June 1981

The Rt Hon Nicholas Edwards MP
 Secretary of State for Wales
 Welsh Office
 Gwydyr House
 Whitehall
 London SW1A 2ER

WM 26/6

Dear Nick

POWERS OF ENTRY

Thank you for your letter of 16 June.

2 I understand that it may not prove possible to revoke your two powers for some time because of the lack of legislative opportunity. Unfortunately, I am unable to help at present and I imagine other colleagues face the same problem.

3 There are no plans for another Industry Bill in the lifetime of this Parliament. However, officials of this Department have undertaken to keep the Welsh Office informed if any legislation arises in which the revocation of your powers of entry could be included. I should be grateful if colleagues in other departments would inform you of any appropriate opportunity.

4 I am copying this letter to the recipients of yours.

Ken

Ken

E.R.

I have passed comment to
Nashere, Chancellor
Cabinet Office. W.M.
22/6
2

PRIME MINISTER

In the first of the attached papers, Mr. Fowler asks H Committee to agree that the Police should have powers of entry to premises to breathalyse suspects, but should not be able to enter the suspect's home. In the second paper, the Solicitor General argues against this. He suggests the right of entry should logically extend to the suspect's home but should be limited to cases of "hot pursuit".

In the third paper the Lord Advocate suggests that the new provision should not apply in Scotland.

In the fourth paper, the Lord Chancellor proposes that a constable's powers under the Criminal Law Act to break into anyone's house for an arrestable offence should be extended to cases where he wishes to obtain breath samples.

WR

19 June 1981

I am very worried about the new proposal. It seems to me that the police must have grounds for suspicion before any right to enter the home of a third party be granted. p. 110

Own home should I believe
remain fully protected.

ms

Home Affairs

Y SWYDDFA GYMREIG
GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switsfwrdd)
01-233 6106 (Llinell Union)



WELSH OFFICE
GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6101 (Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru

The Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

*bf 23/6
WJ
16/6*

16 June 1981

De Kest

POWERS OF ENTRY

Mr Pattison's letter of 18 March recorded the Prime Minister's wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the recent review.

I am writing to you now, not because I intend to resile from my previously expressed intention to revoke my two powers to authorise entry, but because the prospects of early implementation appear to be bleak. John MacGregor's written answer of 4 February envisaged that revocation would be carried out in the normal course of Departmental legislative programmes. However, I have no Bill in prospect in which those revocations could be appropriately included. Given the pressures on the legislative programme generally there is, of course, no question of my Department initiating legislation solely to deal with this minor matter. In practice, therefore, I need to look to colleagues for assistance in finding a suitable legislative opportunity to revoke my powers. Since they are of an "industrial" nature, relating as they do to the activities of the Development Board for Rural Wales and the Welsh Development Agency, the most appropriate vehicle for their repeal appears to be an Industry Bill. However, your officials have told mine that there will not be another Industry Bill during the lifetime of this Parliament. If this is the case, and in the absence of any other suitable Bill, it seems that I shall be unable to honour, at least in the foreseeable future, the undertaking to revoke my powers, much as I would like to do so. If colleagues have any suggestions which would overcome the difficulty I would be glad to hear from them.

Copies of this letter go to the Prime Minister, other members of Cabinet, the Legal Secretary, the Lord Advocate and to Sir Robert Armstrong.

J es
Niel

The Rt Hon Sir Keith Joseph Bt MP
Secretary of State for Industry
Department of Industry
Ashdown House
123 Victoria Street
LONDON
SW1E 6RB

Home Affairs



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

W Rickett Esq
10 Downing Street
LONDON
SW1

8 June 1981

*WM
10/6*

Dear William

In Mike Pattison's letter of 18 March to Anthony Willis at Department of Industry about his letter to meet about powers of entry into business premises, he said that the Prime Minister would wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the review.

Our Ministers had not in fact taken any decision to retain the two powers of entry in question and they remain committed to their abolition. Our proposals are not welcome to British Rail and London Transport which means that repeal could be controversial and attacked on the grounds that it was anti-railway. We intend to include repeal in our longer term legislative programme and make provision in the next suitable bill. It does not, however, seem likely to my Ministers that we can include them in the legislation we are proposing for next session, from which we have already agreed to delete one or two items in the interests of brevity.

Copies of this letter go to Anthony Willis and to those to whom he sent copies of his letter of 9 March and also to Sadowski in Mr Wiggin's office.

*Yours sincerely
C R Edwards*

C R EDWARDS
Private Secretary



FROM THE
PARLIAMENTARY SECRETARY

A C S Willis
Private Secretary to
Mr MacGregar
Department of Industry
123 Victoria Street
London SW1A 0AA

DEPARTMENT OF ENERGY
THAMES HOUSE SOUTH
MILLBANK
LONDON SW1P 4QJ

01-211 3000
Direct: 211 3390

10 April 1981

Rev Tony

POWERS OF ENTRY

I have seen your letter of ~~8~~ March (unfortunately only received on 19 March) and Mike Pattison's reply of ~~18~~ March.

There may be a couple of points which I should clear up in case there is any misunderstanding. I think you are aware that there was never any firm recommendation to amalgamate the eleven BGC powers. (Of course, there was never any proposal that we should rescind these powers, merely amalgamate them without reducing their scope.)

Mr Lamont's report of 3 June and letter of 9 July made clear the provisional nature of the recommendation and our need to have BGC's advice before making a decision. This position was reflected in Mr Mitchell's report to the Prime Minister of 1 August. Consultation with BGC revealed that the amalgamation would not produce simpler or shorter provisions and would take up Parliamentary time to no practical benefit. We therefore decided it would not be sensible to amalgamate these provisions and your officials were accordingly told in January. I am sure that you will agree that there is no question of our going back on a decision or firm recommendation.

I am copying this letter to Mike Pattison.

Jonathan Price

J V PRICE
Private Secretary

cc CO

LAD

Legal Sec

Neil Macfarlane, DES

Giles Shaw, DOE

Peter Rees, HMT

Michael Roberts, WO

Alexander Fletcher, SO

Mrs Lynda Chalker, DHSS

Peter Morrison, DM

Lord Belstead, HO

Norman Lamont, DN

Kenneth Clarke, DTRANS

Reginald Eyre, DOT

David Mitchell, NIO

Philip Goodhart, MOD

Jerry Wiggin, MAFF

MFJ

Home

Affairs



10 DOWNING STREET

From the Private Secretary

18 March 1981.

Dear Anthony

The Prime Minister has seen a copy of your letter of 9 March to Mr. Kenneth Clarke's Private Secretary, about powers of entry into business premises.

She would wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the review.

I am sending copies of this letter to those who received copies of yours.

Yours ever

Mike Patterson

A.C.S. Willis, Esq.,
Department of Industry.

6



10 DOWNING STREET

PRIME MINISTER

This letter from John MacGregor's office shows that several Ministers are in the process of reneging on earlier decisions to rescind powers of entry.

Do you want to take issue on this, given the work that went into the review of powers of entry?

Yes not

MP

16 March 1981



DEPARTMENT OF INDUSTRY
 ASHDOWN HOUSE
 123 VICTORIA STREET
 LONDON SW1E 6RB
 TELEPHONE DIRECT LINE 01-212 0002
 SWITCHBOARD 01-212 7676

From the
 Parliamentary Under Secretary of State's Office

Neil Hoyle Esq
 PS/Mr Kenneth Clarke MP
 Department of Transport
 2 Marsham Street
 London SW1

9 March 1981

Dear Neil,

POWERS OF ENTRY INTO BUSINESS PREMISES

We spoke a few days ago about your Department's decision, following discussions with the British Railways Board and the London Transport Executive, to retain the powers under Section 30 of the Railways Clauses Consolidation Act 1845 and under Section 2 of the Railways Fires Act 1905, which were recommended for revocation in Annex C to Mr Mitchell's report to the Prime Minister of 1 August 1980. I also understand the Department of Energy has decided not to proceed with amalgamation of certain powers as originally recommended. It is possible other Departments may decide to depart from some of the recommendations, either as a result of consultation or for other reasons.

I felt it would be helpful to obtain guidance on this and I have consulted Mike Pattison at No 10. He feels that in view of the Prime Minister's personal interest in the review, it would be sensible if you and other Departments concerned would notify her office of any proposed changes in the recommendations, including those already decided. We in turn would be pleased to see copies of any such letters here to keep a track on changes.

Copies of this letter go to the Private Secretaries of the Ministers responsible for the review, the Legal Secretary, the Lord Advocate, Mike Pattison and David Wright (Cabinet Office).

Yours ever

Anthony

A C S WILLIS
 Private Secretary

Home Affairs

✓
MR

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
13 February 1981

Dear Anthony,

Thank you for your letter of 3 February about powers of entry.

The Home Office is satisfied with the conclusion reached that there is no danger of duplication between the action which this Department already takes regarding proposed new powers of entry from the point of view of the liberty of the individual, and the scrutiny which the Law Officers will be undertaking in the future.

I am sending copies of this reply to the recipients of your letter.

S. W. Boys Smith

S. W. BOYS SMITH

A.C.S. Willis, Esq.

Household extract

5.2.81.

Business Premises (Powers of Entry)

Mr. Murphy asked the Secretary of State for Industry whether the review of statutory powers to enter business premises has been completed; and if he will make a statement on its outcome.

Mr. MacGregor: the review of statutory powers to enter business premises which the Prime Minister announced on 7 December 1979 has now been completed by all Departments. As a result Ministers have recommended that 30 powers should be revoked and up to 63 modified. Most of these recommendations will be carried out in the normal course of departmental legislative programmes. I am satisfied that the remaining powers are necessary, are sufficiently circumscribed and contain adequate safeguards to ensure that they do not cause unwarranted intrusion into business premises. The scope for introducing more uniformity into the safeguards, possibly in the form of a code of practice, will be examined again in the light of the findings of the Keith committee on enforcement powers of the Revenue departments. Arrangements are being made to scrutinise centrally all future legislation containing powers of entry to ensure they do not impose an undue burden on business.



From the
Parliamentary Under Secretary of State's Office today.

S W Boys Smith Esq 2. pa.
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB
TELEPHONE DIRECT LINE 01-212 0002
SWITCHBOARD 01-212 7676

3 February 1981

Dear Stephen,

Thank you for your letter of 16 December in which you registered the Home Secretary's continuing interest in all legislative proposals concerning powers of entry as part of his general responsibilities for the criminal law.

The possible duplication between the Home Office scrutiny and recommendation 1 of Mr Mitchell's minute to the Prime Minister of 25 November has been discussed with the Law Officers' Department and we consider there will be no real duplication. The Law Officers will be looking at proposed new powers to enter business premises to ensure that:

- a the power is necessary;
- b it is not unduly onerous, particularly on small businesses; and
- c it contains adequate safeguards.

The Home Office will continue to examine proposed new powers of entry to ensure there is no unjustifiable infringement of privacy.

Provided you agree that recommendation 1 should be adopted in this way I should be grateful if you and other recipients would ask your Solicitor to send all future draft legislation, including subordinate legislation, containing powers for officials to enter business premises to the Law Officers for their scrutiny. This does not, of course, include powers connected with the enforcement work of Customs and Excise and the Inland Revenue which are subject to review by the Keith Committee.

We have arranged that the announcement about the conclusion of the review will be made by my Minister in a written answer to a question from Christopher Murphy on 4 February. There is a slight amendment to the draft attached to my letter of 16 January to Mike Pattison. A copy is attached for your information.



Copies of this letter and attachment go to Mike Pattison, the Private Secretaries of other Members of Cabinet, the Legal Secretary, the Lord Advocate and David Wright (Cabinet Office).

Yours sincerely

Anthony Willis

A C S WILLIS
Private Secretary

QUESTION

To ask the Secretary of State for Industry whether the review of statutory powers to enter business premises has been completed and if he will make a statement on its outcome.

ANSWER

The review of statutory powers to enter business premises which the Prime Minister announced on 7 December 1979 has now been completed by all Departments. As a result Ministers have recommended that 30 powers should be revoked and up to 63 modified. Most of these recommendations will be carried out in the normal course of Departmental legislative programmes. I am satisfied that the remaining powers are necessary, are sufficiently circumscribed and contain adequate safeguards to ensure that they do not cause unwarranted intrusion into business premises. The scope for introducing more uniformity into the safeguards, possibly in the form of a code of practice, will be examined again in the light of the findings of the Keith Committee on enforcement powers of the Revenue Departments. Arrangements are being made to scrutinise centrally all future legislation containing powers of entry to ensure they do not impose an undue burden on business.



BF for Hansard

10 DOWNING STREET

cc: Cabinet
LAD
LADVJ
CO

+ Mr. Lyghan

From the Private Secretary

21 January 1981

Thank you for your letter of 16 January about the announcement of the conclusions of the work on Powers of Entry which was co-ordinated by Mr. Mitchell.

The Prime Minister is content that this should be done through a Written Answer. She would be happy for an Industry Minister to do so.

I am sending copies of this letter to the Private Secretaries to members of Cabinet, to Jim Nursaw (Law Officers' Department), Miss Mary Howat (Lord Advocate's Department) and David Wright (Cabinet Office).

M. A. PATTISON

A. C. S. Willis, Esq.,
Department of Industry.

BK.



Please let industry
know as the review
is done in dept. and

DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 0002
SWITCHBOARD 01-212 7676

From the
Parliamentary Under Secretary of State's Office

Prime Minister

M Pattison Esq
10 Downing Street
LONDON
SW1

David Mitchell finished his
co-ordination of work on powers
of entry, although Treasury 16 January 1981
Ministers are still working on

Customs and Inland Revenue matters,
which are probably more controversial.

There is probably a need for some
public statement of the work now completed
You announced the review, without specifying
Mr Mitchell's role: agree that you should now give
a written answer on the results, on the attached
lines?

Dear Mike,

POWERS OF ENTRY

We spoke this morning about your letter of 8 December and the conclusion
of the powers of entry review. As the Prime Minister announced in a
Written Answer that she was asking Ministers in the Departments concerned
to undertake the review, I should be grateful for your views on how we
should announce its outcome. We have already been approached by "The Times"
and may be pressed by the National Federation of Self Employed to make an
announcement.

The NFSE's own index of the officials who can demand rights of entry
("An Inspector at the Door") revealed 252 powers amid a fanfare of alarmist
publicity about the large number of inspectors who have the right to enter
private and business premises. We cannot be too definite about the number
of powers reviewed in our exercise. Our original number was 724 but has
since been amended by the Northern Ireland Office, who found 4 powers were
duplicated and one was overlooked, to 721. No doubt other Departments could
find similar duplication or oversights, and indeed, it is unlikely that powers
were counted on the same basis in all Departments. At the same time new
powers are likely to have been introduced and others have been revoked or
lapsed since the count took place. Three of the Northern Ireland powers in
the list have been revoked. In view of this uncertainty and the evidence
that the total number of powers is far in excess of the NFSE's wildest sus-
picions it would be unwise to publish figures.

We could, however, publish the findings of the review that:-

1 Ministers recommended that of the powers listed 30 should be abolished,
34 limited, 12 contain extra safeguards and 17 be amalgamated to 7 - in
addition 8 powers were due to lapse and 18 were contained in legislation
to be reviewed;

2 the remaining powers were necessary to carry out a particular function
enshrined in legislation, were circumscribed to fit the function and could
not be given up without destroying the effectiveness of the legislation;

20/1



3 powers of entry in future legislation should be scrutinised centrally to ensure they do not impose an undue burden on business;

4 the question of standard safeguards, possibly in the form of a code of practice, should be looked at again in the light of the findings of the Keith Committee.

This does not amount to a dramatic achievement that we would want to give wide publicity but it seems necessary to make some form of statement about the outcome. Since the Prime Minister made the original announcement about the setting up of the review she may wish to announce the results herself in answer to an arranged PQ. This would not be a policy statement and should not be controversial. A suggested draft of the form the question and answer could take is attached. Alternatively, Mr MacGregor as successor to Mr Mitchell, could answer a PQ - I would be pleased to know which course the Prime Minister would prefer.

I am sending copies of this letter and attachment to the Private Secretaries of members of the Cabinet, the Legal Secretary, the Lord Advocate and David Wright (Cabinet Office).

Yours ever

Anthony

A C S WILLIS
PRIVATE SECRETARY.

ENC

QUESTION

To ask the Prime Minister whether the review of statutory powers to enter business premises has been completed and if she will make a statement on its outcome.

ANSWER

The review of statutory powers to enter business premises which I announced on 7 December 1979 has now been completed by all Departments. As a result Ministers have recommended that 30 powers should be revoked and 63 modified. These recommendations will be carried out in the normal course of Departmental legislative programmes. I am satisfied that the remaining powers are necessary, are sufficiently circumscribed and contain adequate safeguards to ensure that they do not cause unwarranted intrusion into business premises. The scope for introducing more uniformity into the safeguards, possibly in the form of a code of practice, will be examined again in the light of the findings of the Keith Committee on enforcement powers of the Revenue Departments. Arrangements are being made to scrutinise centrally all future legislation containing powers of entry to ensure they do not impose an undue burden on business.



✓ MAJ

Attorney General

COMMISSION POWERS OF ENTRY UNDER REGULATION 17/62

I have seen your minute of 19 December to the Secretary of State for Foreign and Commonwealth Affairs. Given that the companies have cooperated with the Commission's officials, I agree that it is best that we should now leave it to their judgement as to whether they wish to challenge the legality of the validation of the investigations.

2. I am glad that the visit of Mr Ehlermann, the Head of the Commission Legal Services, went well, and am grateful to you for finding time to meet him. Officials are in touch on the best means of following up this visit, and UKREP will be trying to find out how his thinking on ways of sorting out the present imbroglio has progressed, and how we can best lobby the new Commission. I welcome your proposal that we should set aside the question of initiating any action at this stage, and your willingness to consult colleagues before any firm decisions are taken.

3. I am copying this minute to the Prime Minister, to other Members of OD(E), to the Lord Advocate, to the Secretary of State for Transport and to Sir R Armstrong.

I.H.G.

7 January 1981

CONFIDENTIAL

Home Affairs ²



01-405 7641 Extn 3201

ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

Prime Minister

MS

The A-G reports that this issue has not caused a major row on this occasion, but the basic

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

legality remains to be tested.

MAR 29/11

COMMISSION'S POWERS OF ENTRY UNDER REGULATION 17/62

Thank you for your minute No FCS/80/176 (undated). As you know, the current investigations have now been concluded without serious trouble. In one case I was on the point of applying to the High Court for an injunction in pursuance of our undertaking to the Commission that we would do so if they met with actual obstruction, but the company concerned fortunately gave way almost at the last minute. The other companies have co-operated with the Commission's officials but have formally reserved their right to pursue the point on validation later. The most likely occasion for them to do so will be if and when the Commission makes an adverse decision against them on the substance of the matter and in the light of evidence produced by the investigation. If the legality of validation is then still a live issue between the Commission and us, such proceedings might suit us very well. If it is not a live issue, we would probably prefer not to have the question litigated at all. But we are in the hands of the companies concerned and I do not think that there is anything we can or should do to try to influence their decision.

In the meantime, the Head of the Commission's Legal Services did come over for a discussion, as envisaged in paragraph 5 of your minute. This discussion, first with officials of all the Departments concerned and then with me, went very well indeed and there seems to be a good prospect that, when the new Commission takes office in January, a satisfactory modus operandi will be found which will remove our misgivings about delegation while at the same time preserving the flexibility of the Commission's procedures in this particular kind of case and casting no doubt on the validity of their practice of delegating powers in other fields where we have no interest in raising objections.

/If



ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-405 7641 Extn

- 2 -

If all this works out, we shall not need to take any decision about whether we ourselves should initiate proceedings of the kind you have in mind. If things do not work out, we may have to grapple with that problem and I accept entirely that you and, indeed, other colleagues must be consulted before any firm decisions are taken. But, in the circumstances I have described, I suggest that we can put the matter aside for the time being.

I am copying this minute to the Prime Minister, to all members of the OD(E), to the Lord Advocate and to the Minister of Transport.

M.H.

LAW OFFICERS' DEPARTMENT
19 December 1980

r29/12



Prime Minister

2

FCS/80/176

Handwritten initials

THE ATTORNEY-GENERAL

Commission's Powers of Entry Under Regulation 17/62

1. After we received your letter of 5 December Sir Michael Butler explained to M. Vouel your doubts about the legality of the Commission's proposed procedure, and asked him to postpone the visits which the Commission proposed to make on 9 December so that the Commission as a whole could take the necessary decision. However, as you will be aware, M. Vouel refused to do as we asked, on the grounds that the Commission was satisfied of the legality of their procedure.

2. In these circumstances I accept your view that it was your duty to inform the first company on 9 December of your doubts.

3. I have, however, serious misgivings about the further suggestion that the United Kingdom should commence an action against the Commission under Article 173. My advisers consider that it would have little chance of success in the European Court. I am also influenced by the fact that the practice whereby the Commission delegates its powers to one Commissioner is of long standing and has been used in many contexts. The repayment to the United Kingdom of refunds of excess budget contributions under the Supplementary Measures Regulation, a decision about which is to be taken by the Commission on 10 December, is only one example. For these reasons I would be reluctant to see the Government launch such proceedings.

Handwritten notes:
What about
the
A-G's
view.
This is a
legal
matter on
which we
must take
his advice
ref.

4. Now that the Office of Fair Trading have alerted the company to the possibility of some kind of challenge. I think it would be better in response to any further approach from the company for us to encourage it to take its own legal advice and to bring its own action in the European Court under Article 173, if it judges it to be in its best interests to do so. I am

/advised

CONFIDENTIAL



advised that this would in any event be more in accordance with usual practice in such cases:

5. A new situation may of course arise if you have to apply to our own courts in order to assist the Commission to carry out its searches. But even in those circumstances I think we would need to consider our interest very carefully before ourselves initiating proceedings in the Court of Justice. If a problem of that sort does arise I should like to be consulted again. Meanwhile, I understand that Mr Jenkins may suggest that the Head of the Commission Legal Services should discuss the issues involved with us to see if a satisfactory solution can be obtained. This seems to me to be a helpful proposal which we could usefully take up.

6. I am sending copies of this minute to the Prime Minister, to all members of OD(E), to the Lord Advocate and to the Minister of Transport.

C
/

(CARRINGTON)

Foreign and Commonwealth Office

(December 1980)



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

✓ MFD

Home Office
16 DEC 1980

The Home Secretary has seen Mr. Mitchell's minute of 25th November to the Prime Minister about powers of entry and Mike Pattison's letter of 8th December conveying the Prime Minister's approval, subject to any comments that Ministers may wish to make, to matters proceeding as recommended in Mr. Mitchell's minute.

The Home Secretary is particularly interested in the first recommendation that the law officers should be asked to scrutinise any future proposed power of entry. He himself has a continuing interest in all legislative proposals concerning such powers as part of his general responsibilities for the criminal law. The Home Office scrutinises such proposals in the context of the powers of the police; and on a number of occasions has questioned the need for a proposed power of entry which if exercised by the police would appear to constitute an unjustifiable infringement of privacy. The Home Secretary is perfectly content with the course of action proposed in the recommendation but thought it right that his own interest should be registered.

It may also be of interest to mention that the consultation period on the Green Paper "Future Fire Policy" mentioned in the Annex to Mr. Mitchell's minute has now been extended until the end of the year.

I am sending copies of this to Mike Pattison and the recipients of his letter.

S. W. BOYS SMITH

A. C. S. Willis Esq.

CONFIDENTIAL

jfh

Home Affairs

MR FRANKLIN

Commission's Powers of Entry Under
Regulation 17/62


The Prime Minister has seen and taken note of your minute to me of 10 December on this subject.

I am sending a copy of this minute to David Wright.

M O'D B Alexander

11 December 1980

CS



CONFIDENTIAL

MR ALEXANDER

cc Sir R Armstrong

COMMISSION'S POWERS OF ENTRY UNDER REGULATION 17/62

1. The Attorney General wrote to the Foreign and Commonwealth Secretary on 5 December explaining the difficulties raised by the Commission's recent decision to delegate to a single Commissioner the power contained in Article 11(3) of Regulation 17/62 to make Decisions requiring a company to submit to investigations by Commission officials.
2. On 7 December the United Kingdom Permanent Representative to the European Communities made representations to the Commissioner for Competition, M Vouel, expressing doubts as to whether such decisions were validly taken. He asked that the forthcoming visits to certain companies based in the United Kingdom be delayed to enable the Commission as a whole to decide whether to make decisions. In reply M Vouel said that the Commission's lawyers had carefully examined the habilitation and were confident of its validity: only a minor change in procedure was involved. The granting of this habilitation was fully in line with other habitations covering a wide range of subjects. He could not accept our doubts as to the legal basis.
3. The first of the four planned visits by the Commission took place on the morning of Tuesday, 9 December. An Office of Fair Trading official accompanying the Commission officials gave the company concerned a letter which recorded the legal doubts which HMG had expressed to the Commission but pointed out that, unless successfully challenged in the European Court, the decision had to be treated as valid. The company decided to allow the Commission officials to make their investigations without prejudice to the company challenging their rights later.
4. The next visit to another and larger company is planned for Tuesday, 16 December.

hand

M D M FRANKLIN
CABINET OFFICE SW1
10 December 1980

ms



Home Affairs

10 DOWNING STREET

From the Private Secretary

8 December 1980

Dear Anthony

The Prime Minister has read Mr. Mitchell's minute of 25 November, reporting his further investigation of powers of entry.

She is most grateful to Ministers for the work which has been done, and especially to Mr. Mitchell for his perseverance with the NFSE.

She is pleased to see that the revised recommendations have been designed to minimise the commissioning of expensive further work which might produce limited results. She is satisfied that the recommendations as they now stand will offer a helpful check on future powers of entry. At this stage, she does not see a need for collective discussion, although the work which has been done might need to be considered further alongside the work in hand on the Inland Revenue and Customs and Excise when that is completed.

Subject to any comments from colleagues, the Prime Minister would now like Ministers to proceed as recommended in Mr. Mitchell's minute.

I am sending copies of this letter to the Private Secretaries of members of the Cabinet including the Minister of Transport, the Legal Secretary, the Private Secretary to the Lord Advocate and David Wright (Cabinet Office).

Yours ever

Mike Palmer

A.C.S. Willis, Esq.,
Department of Industry.

VUB

no

PM's qualified approval
relayed to M. Franklin's
Office. C.B. 812

CONFIDENTIAL



01-405 7641 Extn

Prime Minister

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

Sir A. Butler is being
instructed to take up the
Attorney General's point with the
Commissioner on Monday. It is
essential that in cases like these
there should be absolutely no doubt
that the ^{proper} procedures have been observed
to the letter.

(2)

5 December, 1980.

I assume that this
is not the final
line that has
been worked in the UK?
MT

Dear Peter,

Am
S/xii

COMMISSION'S POWERS OF ENTRY UNDER REGULATION EC 17/62

You will be aware that, in exercise of the power conferred by Article 14(3) of the above Regulations, the Commission propose to carry out an "unannounced" investigation of certain British companies. I am told that four companies are now to be investigated in this way and that the first of these investigations is to take place on Tuesday. Under the relevant procedure Commission officials will simply turn up at the premises of the company concerned, produce a certified copy of the Commission's decision and then, without any authorisation by a Court or anybody else, assert the right to enter the premises, search all the books, records and other similar documents kept there, take copies of any such documents away with them, and interrogate the staff. If the company refuses to co-operate or obstructs the investigation or deliberately or negligently supplies misleading or incomplete information, it could find itself subjected to a substantial fine. Under the Regulations the "competent authority" in this country (the Office of Fair Trading) has to be consulted before the decision to carry out an investigation is taken - this has been done - and it is the invariable practice (and arguably our duty) for us to send officials of the Office of Fair Trading to be present during the investigation in order to give the Commission's officials any assistance they need. In addition, if the company opposes the investigation, it is our legal duty to give the Commission's officials any necessary assistance to enable them to discharge their task and it has been agreed that in such a case our duty would have to be implemented by our instituting immediate proceedings in our own courts

/for

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ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

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for an injunction requiring the company to submit: these proceedings would be instituted in my name.

All this may strike us as constituting a very drastic interference with the liberty of the subject but it is firmly based in Community law and in ordinary circumstances we have no option but to acquiesce in it and indeed to facilitate it. However, in the present case I have to say that I entertain substantial doubts whether the procedure that has been followed is indeed in accordance with Community law and therefore whether there is lawful authority for this interference with the ordinary rights of the company (for which, of course, there would otherwise certainly be no legal justification).

Briefly, the basis of my doubts is this. The relevant provision of Regulation 17, ie Article 14(3), requires a "decision" by the Commission. We have been told informally (but not, I think, clandestinely or in confidence) that the Commission has recently decided to adopt a new procedure according to which the decisions under, inter alia, Article 14(3) are taken by a single Commissioner and not by the Commission as a whole, and the decisions in the particular cases we are now concerned with were in fact so taken. But Article 17 of the Merger Treaty requires decisions of the Commission to be taken by a majority vote of the whole Commission. It is true that some years ago the Commission adopted a Rule of Procedure - and I think that this in itself is not objectionable - which permits them to delegate to a single Commissioner the power to take, in the name of the Commission, "clearly defined measures of management or administration", and it is under that Rule of Procedure that they have now purported to make the delegation in question. But I think that it is reasonably open to question whether a decision under Article 14(3) falls within that Rule of Procedure or whether, on any view, the Commission could

/authorise

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authorise it to be taken by a single Commissioner. There is a dearth of direct authority on the point but there is some authority, in the form of cases decided by the European Court of Justice, which shows that there are some limits on the functions which the Commission can lawfully delegate and from which it could be argued that this delegation is on the wrong side of the line. As I understand it, the Commission themselves accept that there are legal limits to their power to delegate though they do not accept that they have transgressed those limits in the present case. I cannot give a definite assessment of what the European Court would decide if the issue came before it but I consider that the legal objection to the Commission's procedure would be a perfectly respectable one.

I have anxiously considered the position and in doing so have had the benefit of a thorough discussion with officials from the Departments directly concerned. I have decided that, entertaining these doubts as I do, it would be quite wrong for me to suppress them and let the investigation proceed, with our assistance, as in previous cases. Just as I have a duty to see that the machinery of the law is invoked and enforced in a proper case, I also have a duty to see that it is not invoked, so as to encroach on the liberty of the subject, in a case where I have any substantial doubt whether there is in fact lawful authority for proceeding: at the very least I must indicate the existence of my doubts to those concerned. In addition, I have in mind that, even if we agreed to suppress our doubts now, the point could come out subsequently, in this or in a later case, and I (and some of my colleagues) would be in an untenable position if we then had to admit - as we could not of course deny - that the doubt had occurred to us in the present case but we had done nothing to protect our citizens from what we thought might well be a questionably lawful encroachment on their liberties.

/I



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ROYAL COURTS OF JUSTICE
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I have therefore concluded that, if the Commission persist in proceedings on the present basis (as to which, I make some suggestions below), it will be my duty to see that the company concerned is alerted to the existence of the doubt so that it may take whatever steps it wishes in the light of the advice it obtains from its own legal advisers. (It could, for example, decline to admit the Commission's officials and apply immediately to the European Court for a review of the legality of the Commission's decision and in the meantime for a stay of the execution of the decision.) I am sure that the right way to do this is for the OFT officials who accompany the Commission's officials to hand over to the company, as soon as they present themselves, a letter which simply explains the position but makes no suggestion as to what the company should or should not do vis-a-vis the Commission. The terms of this letter will obviously have to be very carefully chosen: I understand that a draft is being considered by officials in the Departments concerned and I would wish to have the chance to approve it myself. Furthermore, if the Commission's officials then proceed to try to carry out an investigation and are then obstructed by the company, I will of course comply with our undertaking to institute proceedings for an injunction but I shall regard it as my duty to ensure that my doubts about the legal position are brought to the Court's attention. I should guess that the result of this will be that a Court will refuse an immediate injunction but will refer the question to the European Court under Article 177 of the Treaty.

I have considered whether it would be proper in this case for the OFT to decline to send their officials to accompany the officials at the investigation or for me to decline to assist the Commission by instituting proceedings, if I am so requested, for an injunction to compel the company's compliance. In my view this would be wrong.

/It



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It is settled law that an act of a Community institution (in this case an act which purports to be a decision by the Commission) must be treated as lawful and effective until it is set aside by the Court and I think that we should be putting ourselves wholly in the wrong if we purported to treat it as a nullity.

This leads me to express the view that, if we are indeed driven to the point where we are publicly expressing doubts about the validity of the Commission's procedure and are, in effect, inviting the company in question to take the point themselves, our most respectable course would be to initiate, as soon as possible, formal proceedings under Article 173 of the Treaty to get the issue decided definitively by the European Court. I would recommend that we should explain to the Commission, at the appropriate time, that this is what we are doing or intending to do. I do not think that we could then be reasonably accused of inciting our companies to unlawful resistance to the Commission or of ourselves obstructing the Commission and it should reduce any disposition by the Commission to get their blow in first by starting infraction proceedings against us. But I recognise that there are questions of policy and tactics to be considered here and I do not consider that this is a decision for me to take.

Finally, there is the question of our immediate line with the Commission. This must be very much for you and other colleagues to decide in the light of what I have said I myself must do if the matter comes to a head. You may think it desirable, however, for the first step to be to make urgent representations to the Commission, at a very high level, explaining to them the doubts that we entertain and making it clear that, if they nevertheless proceed, we shall be unable to conceal those doubts. We could then suggest that, in these circumstances they might want to postpone Tuesday's investigation but only for so long as would be required for the Commission as a whole to meet and to

/take



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ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

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take the necessary decision under Article 14(3), just as they have done in all previous cases. If they did this, our doubts would fall away and the investigation could proceed with our whole-hearted co-operation. I would hope that the Commission would see the reasonableness of these representations. If not, then we face the problem of what we should then tell them about how we should react. Subject to what I have said above about possible proceedings by us under Article 173, I do not think that I am in a position to offer advice on that.

I am copying this letter to the Prime Minister, to all members of OD(E) and to the Lord Advocate and the Minister of Transport.

Yours Ave.

Michael

The Rt Hon The Lord Carrington KCMG MC
Foreign Secretary
Foreign And Commonwealth Office
Downing Street
LONDON SW1

PRIME MINISTER

Powers of Entry

Here is David Mitchell's report on his further investigation, following his initial report (at flag A). His work has been valuable in identifying existing powers of entry, and focussing Ministers' attention on them. He has also managed to convince the National Federation of Self-Employed that most of the powers of entry are required.

He has now revised his recommendations, mainly to meet your fear that expensive new work would be commissioned with little worthwhile product.

The most sensitive area remains that of Inland Revenue and Customs and Excise. There is still independent Treasury work in hand on this.

If you are content with David Mitchell's conclusions in respect of the powers within his remit, you may feel that no collective discussion is necessary at this stage. Would you like to endorse his conclusions, subject to any comments which colleagues may choose to make?

*Agreed
not*

MA

4 December 1980



Home Affairs

Ref. A03699

MR. PATTISON

MAJ

Powers of Entry

You asked for advice on how the minute from Mr. Mitchell to the Prime Minister dated 25th November about Powers of Entry, and the main report which he circulated on 1st August, should now be handled.

2. The study was originated by the Prime Minister following the publication of a booklet by the National Federation of Self Employed (NFSE). In August Mr. Mitchell reported that careful scrutiny had identified a relatively small number of powers of entry that could be abolished or limited, but that most were necessary for backing up essential functions of Government. Since August he has apparently convinced the NFSE that this is so, and has persuaded them to withdraw their objections to all but 11 powers; these may yet be reduced further, when the NFSE take them up with individual Departments.

3. I understand that Mr. Mitchell's proposal in his minute for collective Ministerial discussion related to the suggestion in your earlier minute of 11th August, and that he does not think that additional discussion now would produce a different outcome to the review.

4. Thus the question of handling depends primarily on whether the Prime Minister feels that enough has been done, and that the outcome after the latest consultations with the NFSE is satisfactory. If the Prime Minister wished to give this review a further stimulus, it would probably need to involve all senior colleagues in Cabinet. If on the other hand she was reasonably content with the conclusions so far, Mr. Mitchell's revised recommendations in his minute of 25th November seem to minimise the risk of abortive work by basing the idea of a "Code of Practice" on the outcome of the wider review which the Keith Committee is conducting of Revenue and Customs enforcement, though it may be some time before that work is completed.



5. If the Prime Minister decides against a Cabinet discussion, the Mitchell recommendations might be accepted in correspondence, subject to any contrary views expressed by Cabinet colleagues, to all of whom it was copied.

[Handwritten signature]
For (D.J. Wright)

1st December, 1980

PRIME MINISTER

David Mitchell reported on Ministers' review of powers of entry in August - papers at Flag A. You asked him to continue his consultations, and you expressed some concern that some of the recommendations might involve much work for little return.

Here is his further report. The revised recommendations, starting on page 3, are a little more modest than the early proposals (page 6 of Flag A), but there is no significant increase in the number of powers abandoned.

Would you like Mr. Mitchell's report to be discussed at either E or Cabinet before final decisions are taken?

M. A. PATTISON

26 November 1980



PRIME MINISTER

POWERS OF ENTRY

You asked me to go ahead with further investigation of the powers of entry to which the National Federation of Self Employed (NFSE) objected and to consult with the organisations representing small firms on the powers most felt to be onerous. I have had a series of meetings and now report:-

The NFSE have a basic objection to all powers of entry which they regard as an intrusion into the liberty of the individual. However after considerable discussion with me they are now prepared to accept that all but 11 of the 252 powers they originally listed are necessary. The remaining 11 powers cover a wide range of subjects from the welfare of farm animals to the inspection of gas meters and have no common link. These remaining 11 powers have been reviewed by a Minister in each Department concerned earlier this year. I have therefore written to the NFSE suggesting that if after further consideration they wish to sustain their objections they should pursue them direct with the relevant Ministers at their Departments. This in itself may cause the NFSE to have second thoughts about some of the powers to which they object since in general their case has been poorly thought



through and rests mainly on a gut reaction against the concept of Government interference.

My consultations with the other organisations representing small firms have made it clear that the administration of certain regulations affecting the workplace - particularly those which give inspectors discretion in the interpretation of broad principles - cause most concern. In particular Health and Safety, Building Control and Fire Regulations as mentioned in my earlier minute. All these areas are now under review, largely in an endeavour to reduce the constraint which they can impose on industry and commerce. The problems experienced by small firms are generally no different from those of larger firms, but the effects may be much more serious given their lack of money to pay for changes demanded and their lack of time, know-how and weak position in negotiations with inspectors and their regulatory agencies. The present state of play on each of these reviews is described in the Annex to this minute.

You will be pleased to learn that since the list of powers at Annex C of my report on 1 August was compiled, Giles Shaw has indicated to me that three of his Northern Ireland powers have been revoked. It appears that the existence of this list is itself provoking a continuing awareness - with beneficial effect.



The next stage, subject to your agreement, is for Ministers collectively to consider the recommendations arising from my report on 1 August.

Although the NFSE are not aware of the enormously longer list of powers of entry we have unearthed I believe my consultations with them have done much to defuse the issue. In the light of this I have given further consideration to the earlier recommendations. In doing so I have in mind the urgent need to cut government spending and consequently not to impose additional demands on staff resources.

Accordingly I recommend that

- 1 The law officers should be asked to scrutinise any future proposed power of entry.
- 2 The proposed review of powers of entry in relation to CPO should not be proceeded with.
- 3 The recommendation that a "Code of Practice" be drawn up, should be held in suspense pending the enquiries of the Keith Committee into Revenue and Customs enforcement procedures. If the Committee reported a need for codified safeguards on entry into business premises, I believe the same or a matching code should then be drawn up by Law Officers in relation to other powers of entry.



As you will appreciate it is in the area of Revenue and Customs and Excise that greatest public anxiety and resentment exist [this ~~was~~ specifically excluded from my co-ordination remit.]

I am sending copies of this report to Members of Cabinet, the Minister of Transport, the Solicitor General and Lord Advocate, and the Secretary of the Cabinet.

D M

25 November 1980



ANNEX

REGULATIONS AFFECTING THE WORKPLACE

a Health and Safety

Recommendations by the Central Policy Review Staff are being pursued by an official group under the chairmanship of Patrick Mayhew.

b Building Control

Proposals to simplify the building control system put forward by the Secretary of State for the Environment have been generally supported by the professions and industry. Detailed arrangements remain to be decided in relation to public and private law, criminal liability and indemnity but Ministers have agreed to the proposals in principle and the detailed consideration is already going ahead.

The particular problem of multiple controls (ie the interest of several enforcement authorities in each building) will be raised in a forthcoming Green Paper by the Department of the Environment on the Review of the Building Control System. DoE will be seeking further evidence on the nature of the problem as well as views on improving the current system. A preliminary examination suggests there is scope for better co-ordination, (indeed the avoidance of different requirements



in respect of the same item!) although combining the enforcement functions of several agencies into one, acting on behalf of others, raises complex problems.

c Fire Regulations

The Home Office published a Green Paper earlier this year entitled "Future Fire Policy". This paper recognises that the extensive development of fire protection legislation has placed a growing financial burden on both the public and private sectors of the economy without any consequent reduction in the number of fires or in fire losses. The Green Paper concludes therefore that a more selective approach is needed to provide the right balance between adequate fire protection and equally legitimate competing demands on limited financial resources. The consultation period on the Green Paper ended on 31 October.



Home Affairs

DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

19 August 1980

Dear David

POWERS OF ENTRY

I am replying on Michael Heseltine's behalf to your report to the Prime Minister, circulated by your Private Secretary on 1 August.

While I agree that it would be useful to have a code of practice, I am less happy with the suggestion to review separately the procedures connected with compulsory purchase powers. These are very well established procedures which range over the fields of inspection, surveying and valuation for statutory purposes. Without entering on land a proper inspection in connection with planning inquiries is not possible, and site visits are a standard part of these inquiries. If these visits were not to take place the quality of the Inspector's conclusions could be called into question and the planning inquiry and compulsory purchase systems could be brought into disrepute.

It must be the case that if site visits for these purposes are accepted as an important and desirable part of statutory processes in cases where the owner-occupier is co-operative, they must be so regarded in cases where is he unco-operative, and powers of entry have then to be exercised. I think therefore that it would be wasteful of resources merely to seek to change procedures without affecting the real issues. Apart from this, I would support the other main recommendations arising from the review.

I think that an ambiguity has crept into the paragraph headed "Local Authority Powers". Because the local authority associations were not asked to contribute, the review does not include powers of entry in private local authority Acts. The final sentence of the paragraph suggests the opposite, and I would prefer something like "This means that powers of entry in private local authority Acts have not been included".

Copies of this letter go to the Prime Minister's Office and to other recipients of your report.

Yours

Marcus Fox

MARCUS FOX

David Mitchell Esq MP



10 DOWNING STREET

From the Private Secretary

File
cc: Cabinet
D/Trans
Law & B. Dept
Lord Adv. Dept
BF 31.10.80

Have Affairs DSG
11 August 1980
M/State (CS)
C.O.

The Prime Minister was grateful for Mr. Mitchell's minute of 1 August reporting on the Review of Powers of Entry.

She has noted the recommendations arising out of the Review, and she has also noted Mr. Mitchell's personal conclusion that there should be further investigation of powers noted as causing resentment, and that he should meet with the NFSE and other organisations who have expressed concern, with a view to reporting to her on the outcome in the autumn.

The Prime Minister had hoped that it would prove possible to reduce the powers more than envisaged in Mr. Mitchell's note. She is also a little concerned about the recommendations on page 6 of the paper, which could possibly involve a considerable amount of work for little return. She has also taken note of Mr. Channon's concern about the staff implications, set out in Geoffrey Green's letter to me of 8 August.

The Prime Minister would therefore like Mr. Mitchell to go ahead with the further investigations and consultations which he proposes, with a view to a further report to her in the autumn, which would then allow Ministers collectively to consider the recommendations which have emerged from this exercise.

I am sending copies of this letter to the Private Secretaries to members of Cabinet, including the Minister of Transport, and to Bill Beckett (Law Officers Department), Miss Howat (Lord Advocate's Department), Geoffrey Green (Civil Service Department) and David Wright (Cabinet Office).

M. A. PATTISON

A. C. S. Willis, Esq.,
Department of Industry.

DSG

PRIME MINISTER

Here is David Mitchell's correlation of the results of Ministers' review of Powers of Entry.

This work has almost tripled the number of powers identified in the pamphlet which led you to institute the survey. A number of powers will disappear, be limited, or more carefully defined, as a result of the work - see top of page 2. There is further work for the future in the field of local authority powers. The study also found that for the most part businessmen recognised that inspectors have a job to fulfil, and that their powers of entry did not give rise to complaint. But there were some areas of dissatisfaction, and these centred in particular on VAT/Inland Revenue inspection which were excluded from this particular review because of the parallel work under Treasury Ministers' supervision.

The recommendations arising from the review are set out on page 6. Mr Mitchell notes that there could be some staffing implications, but he takes the view that the recommendations are the minimum response which would be politically acceptable.

He suggests that further investigation should be made of the powers noted as causing resentment, and that he should meet with the organisations who have been expressing concern, prior to reporting further to you in the autumn.

Subject to specific comments from Cabinet colleagues, are you content to instruct Mr Mitchell to go ahead with these further investigations and consultations, with a view to inviting Ministers to consider his recommendations perhaps in October?

Yes - I had hoped we could reduce the

power more

8 August, 1980

MP
when the note arrives. A little worried about the recommendation on page 6. They could make a lot of work for better returns



Minister of State

Home Affairs

Civil Service Department
Whitehall London SW1A 2AZ
Telephone 01-273 3000

8 August 1980

M Pattison Esq
Private Secretary to the
Prime Minister
10 Downing Street
SW1

Dear Mike

POWERS OF ENTRY

My Minister has seen the correspondence and the report to the Prime Minister on Powers of Entry and has expressed concern at the reference (on page 6 of the report) to a requirement for extra staff if the recommendations arising out of the review are accepted.

In normal circumstances we would expect departments to absorb additional work of this nature by internal adjustment and without seeking extra resources. It is impossible for us to gauge what these proposals might mean for the various departments and other non-governmental bodies who will be involved. Against the background of the 630,000 target, however, the Minister of State doubts whether it would be timely to pursue this further.

I am copying this to Anthony Willis.

Yours sincerely

G E T Green

G E T GREEN
Private Secretary



Prime Minister

POWERS OF ENTRY

As a result of the booklet "An Inspector at the Door" published by the NFSE and the Adam Smith Institute which revealed 252 'powers of entry' by officials, you asked for a Minister in each Department to carry out a review of powers in respect of their own Department and instructed me to co-ordinate the work except in respect of Customs and Excise and Inland Revenue where the Treasury are holding their own inquiry.

EXTENT OF POWERS

We decided it was necessary to cover all powers of entry because many small firms are run from the home, we also "discovered" a good many powers of which we were not aware. The total is much larger than anticipated at 725. I attach at Annex B a note of the number for each Department and Annex C the full details covering each power of entry, showing the recommendation of the Minister concerned, a description of the power, whether surprise is required, what safeguards exist, the number of times the power has been exercised in the past five years and the statutory basis for it.

However, please note that in several cases the same power recurs, for example, the Scottish Office entry includes 71 powers of UK legislation and the Northern Ireland Office 29 powers, all of them included in returns by Whitehall Departments for England and Wales. In addition, Northern Ireland has 112 pieces of legislation containing powers of entry which are broadly similar to those exercised in Great Britain.



MINISTERS RECOMMENDED THAT:

29 powers should be totally abolished

34 powers should be limited

11 powers should contain extra safeguards

17 powers should be amalgamated into 7.

8 powers are due to lapse, and

18 powers are contained in legislation which is due to be reviewed

and for which it would be premature to recommend changes.

This does not yield a large number of reductions, but this is largely because inspection is necessary to carry out the function which is enshrined in legislation which remains extant.

LOCAL AUTHORITY POWERS

Departments have identified 151 local authority powers in England and Wales, 50 in Scotland and 20 in Northern Ireland. These are indicated on the list at Annex C. These powers are seen as essential to particular local authority functions. Because the local authority associations have been under heavy pressure, they have not so far been asked to contribute to this review. This also covers powers of entry in private local authority Acts.

The Department of the Environment have suggested that as a next step the local authority associations could be approached to follow up the suggestions for change which have emerged. Their views could also be sought on the proposed code of practice. In addition, DoE would be willing for Departments to consult the associations as and when specific cases of criticism of local authority powers of entry arise.



USE OF POWERS

In the vast majority of cases, the statutory powers are not formally invoked but provide backing for functions which are carried out in the course of routine visits where access is permitted voluntarily. Without the availability of a final recourse to a statutory power of entry, the degree of voluntary co-operation is likely to be considerably reduced!

SAFEGUARDS

A built-in safeguard to most of the powers is that entries may only be made to specific premises to carry out a specific function. However, we suggest that all powers to be retained should, wherever appropriate, and where not already contained in legislation, be circumscribed in accordance with a non-statutory code of practice to be considered by Law Officers in accordance with the note and arrangements suggested in Annex A. This must take account of the need for surprise in those cases where this is a necessary element in the detection of an offence.

In many cases there is provision for a statutory period of notice before an entry can be made, even where this is not the case, inspectors usually (but not always) make an appointment before a visit.

Some of the powers (but only some) contain provisions that entries may only be made at reasonable times, that written authority must be produced on request, that it is an offence to divulge a trade secret and that any avoidable damage should be made good, with empty premises left as secure against trespassers as when they were found.



RESENTMENTS IDENTIFIED

In addition to the co-ordination of this exercise, I have made enquiries from each of the main organisations affecting small firms as to which powers of entry causes resentment.

I found that most powers of entry do not give rise to complaint, that businessmen recognise that inspectors have both a right and a duty to do their work. In particular, organisations representing larger small firms do not seem dissatisfied. Nevertheless, there are a number of particularly sensitive areas. Most resentment is aroused by Customs and Excise in the administration of VAT and by Inland Revenue in their cross-examination of proprietors of small businesses on their business tax returns. This was specifically excluded from our review and is being dealt with by a Committee appointed by Treasury Ministers.

The following have also been the subject of criticism and resentment: Fire regulations, Building regulations, Health and Safety, and to a lesser degree, Trading Standards.

A great deal seems to depend upon the attitude of the inspector which varies substantially: many are regarded as helpful but others simply "get people's backs up". Other complaints concern lack of appointments being made, timing often being inconvenient and a failure to carry out the inspection with due regard to the needs of the business - a retailer required to provide information in the middle of his Christmas Eve rush!

There is, of course, the conflict between giving greater discretion to inspectors enabling some flexibility to meet the particular circumstances and the problem



of ensuring uniformity of standard. The difficulty being that if the inspector changes, the firm may find a successor takes different views with consequent unforeseen costs.

A number of suggestions have been made [including from interested MPs] that whilst the amalgamation of inspectorates does not lead to diminution of powers, the number of inspectors exercising the powers might be reduced so that the same inspector covers several activities. This is not attractive to Departments because of the variety of skills and specialised knowledge required in a large number of cases. It may be worth examining this further.

In addition, I note in connection with compulsory purchase powers that several Departments have different inspectors involved in entry, inspection and survey. It is for consideration whether the benefit would warrant a short technical review of CPO procedures to ascertain whether or not powers of entry can be avoided without harmful results, by changing the procedures.

The NFSE have suggested that some 59 of their original list of 252 powers of entry should be annulled, but many of this list are clearly essential and there is a lack of understanding on their part as to the legitimate reasons for many of the powers Ministers intend to retain - if you are agreeable, I intend to have a meeting with their officers with a view to explaining in detail the reasons for retention. I anticipate that most, but not all, of their suggestions for termination would then be withdrawn. My judgement is that they will then place considerable emphasis on adequate safeguards and will press for a published code of practice.



CONCLUSIONS

Ministers have scrutinised each power carefully and their main finding in the review is that although the number of powers of entry sounds alarming, most are unavoidable, and are circumscribed to fit a particular purpose so that few can be given up without destroying the effectiveness of the function.

In the meantime, the recommendations arising out of the review are, subject to availability of staff resources:

- 1 that a code of practice should be drawn up to apply to routine visits and wherever surprise is not necessary;
- 2 that a further review should be made of the powers associated with compulsory purchase orders;
- 3 that Departments would investigate in more depth any specific powers which the NFSE or other body could show caused hardship - if it is thought the resources warrant this; ?
- 4 that the Law Officers should be asked to scrutinise all future proposed powers of entry.

In making these recommendations, I think we should consciously recognise that we are taking on additional tasks and that this will have consequences in terms of Civil Service manpower. It is, at this stage, not possible to quantify this with any precision. Whether we believe the additional staff effort is justified is essentially a political judgement which needs to be taken against the background of the origin of this whole exercise: in my view, on balance, what we are proposing is probably the minimum response we can make in the circumstances.



PERSONAL CONCLUSION

In addition, I recommend that further investigation be made in respect of the powers noted as causing resentment and that I meet with the NFSE and other organisations who have expressed concern, and report to you on the outcome in the autumn.

I am sending copies of this report to members of Cabinet, the Minister of Transport, the Solicitor General and Lord Advocate, and the Secretary of the Cabinet.

AW

for D M

1 August 1980

(Approved by Mr Mitchell
and signed in his absence)



OUTLINE FOR CODE OF PRACTICE

The NFSE recommended that a simple statutory code should be drawn up covering all powers of entry and applying the same safeguards to each. The Solicitor General has advised that such legislation would not be practicable in the foreseeable future and that consideration should, therefore, be given to drawing up a non-statutory code of practice to be followed by Inspectors in connection with the use of their powers of entry in addition to such safeguards as may already be included in the legislation under which they have those powers. A list of suggested headings for a code of practice, which would have to be considered in detail by the Law Officers and the Departments involved before it could be adopted, is given below. One point for consideration is whether it should apply to entries made by officials from international bodies such as Euratom, the International Atomic Energy Authority and the EEC Commission.



LIST OF HEADINGS

For use when none of the following 5 conditions apply to the entry:

1. Need for surprise to ensure compliance with the law (Exemption from Headings I - III inclusive only).
 2. Entry is made in an emergency where there is reasonable cause to suspect danger to life or property.
 3. Entry is made to remove books or documents needed to provide evidence of the committing of an offence.
 4. Premises are unoccupied.
 5. Entry is made for mining purposes underground.
-
- I Adequate notice to be given before entry made unless this is already laid down in legislation. (A minimum time should be agreed eg. 24 hours).
 - II The notice to include the statutory authority for entry, the reason, the information sought and the occupier's right, where appropriate, to have a solicitor present.
 - III All entries to be made at reasonable times.
 - IV No information discovered as a result of the entry to be passed on to other authorities if it was not connected with the reason for entry except where it required or permitted to be passed on by legislation, or with the consent of person by whom it was given.
 - V Any avoidable damage caused by the entry to be made good.



- VI Copies of documents properly in the possession of the owner/occupier taken away as a result of an entry to be sent to the owner/occupier or the originals sent back as soon as is reasonably practicable.
- VII Occupiers to be informed of the result of the inspection where appropriate as soon as possible.
- VIII Authorisation for entry to include a statement of the search powers.



NUMBERS OF POWERS POSSESSED BY DEPARTMENTS

Ministry of Agriculture	88
Ministry of Defence	10
Department of Education	1
Department of Employment	7
Department of Energy	42
Department of Environment	101 (inc LIAs)
Department of Health & Social Security	28
Home Office	41
Department of Industry	6
Inland Revenue	2
Northern Ireland Office	181
Scottish Office	119
Department of Trade	48
Department of Transport	46
Welsh Office	5
TOTAL	<u>725</u>



DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 0002
SWITCHBOARD 01-212 7676

From the
Parliamentary Under Secretary of State

Mike Pattison Esq
10 Downing Street
London SW1

1 August 1980

Dear Mike,

POWERS OF ENTRY

I enclose Mr Mitchell's report to the Prime Minister and I apologise for the fact that yesterday's deadline was missed.

- attached to file
Annex C attached is not in final form. A number of corrections are having to be made, and I would hope to be able to send you the final version next week. The attachment is substantially correct, however.

Yours ever

Anthony

A C S WILLIS

MINISTRY OF AGRICULTURE,
FISHERIES AND FOOD

(Jerry Wiggin, Parliamentary Secretary)

8 powers of entry

Recommendation: Discontinue 3, Retain 85 of which

7 are to be limited

3 will lapse

5 will be subject to further review

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
1	Retain	To take samples of fertiliser to ensure they comply with Act (1a)	Yes	(i) Entry at all reasonable times (ii) Not applicable to premises used only as a dwelling (iii) Written evidence of authority to be produced on demand (iv) Must have reasonable cause to believe fertiliser or feeding-stuff on premises	2,500 approx	AGRICULTURE ACT 1970 S 76(1) & (3)
2	Retain	To enter major nuclear establishments to make tests, take samples of waste and question people about use of premises.	No	(i) Entry only at reasonable times	315	RADIOACTIVE SUBSTANCES ACT 1960 S 12 (2)
3	Retain	To enter any premises to inspect and take copies of wagesheets etc of agricultural workers	No	(i) Entry only at reasonable times (ii) Reasonable notice must be given	25,000	AGRICULTURAL WAGES ACT 1948 S 12
4	Discontinue	To enter a farm to collect agricultural statistics	No	(i) 24 hours notice required	None	AGRICULTURAL STATISTICS ACT 1979 S 1(5)
5	Retain	To enter premises where seeds are sold to ensure seeds are not deleterious and have been tested for purity, germination etc	Yes	Must have reasonable cause to believe seeds on sale	5,000	PLANT VARIETIES & SEEDS ACT 1964 S 25 (1), (3), (5), (6), (7), (8) and (9)
6	Retain	To enter any land where seed crops of genus Allium, Beta or Brassica are to be protected	Yes	(i) Entry at reasonable hours (ii) No entry to dwelling house	None	PLANT VARIETIES & SEEDS ACT 1964 S 33 (6) and (8)
7	Retain	To enter premises to enforce marketing regulations and prevent sale of sub-standard or diseased seed potatoes	Yes	(i) Must have reasonable cause to believe seed potatoes on premises (ii) Entry at reasonable times	110 since March 1978	PLANT VARIETIES & SEEDS ACT 1964 S 25 (4)

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
8	Retain - possible repeal of Minister's power for seeing whether directions have been complied with	To enter and inspect any land to determine whether, and if so, in what manner powers under the Act are to be exercised and if so in what manner any direction given has been complied with	No	24 hours notice to residential land otherwise 24 hours notice specifying the period (not exceeding 14 days) within which entry is to be made	None	AGRICULTURAL HOLDINGS ACT 1948 S 91 (1)
9	Retain	To enter land to inspect and prevent damage by specified pests and to prevent the escape of animals kept in captivity	No	(i) Production of written authority (ii) Entry at reasonable times (iii) 24 hours notice specifying the period (not exceeding 14 days) within which entry is to be made	None	AGRICULTURE ACT 1947 S 106
10	Retain	To enter land to determine whether the occupiers are carrying out that statutory obligation to control rabbits, and if they are not, to take default action	No	(i) Production of written authority (ii) 24 hours notice specify the period (not exceeding 14 days) within which entry is to be made	3	PESTS ACT 1954 S 1 (8)
11	Retain	To enter land to ensure it is kept free of rats and mice	No	24 hours notice, or, in the case of a group of premises 7 days notice	Not known	PREVENTION OF DAMAGE BY PESTS ACT 1949 (PART I) S 22 (1)
12	Retain - pending review of this Part of Act	To enter any premises where food is manufactured, stored transported etc, to ensure that the owners have reported infestation and taken steps to remedy it	No	(i) Written authority (ii) 24 hours notice	1,500 pa	PREVENTION OF DAMAGE BY PESTS ACT 1949 S 22 (2)
13	Retain	To ascertain whether there has been any contravention of the Medicines Act and to carry out functions under the Act	Yes	(i) Written authority (ii) Entry at reasonable times (iii) 24 hours notice of entry to dwelling house (iv) Unoccupied property to be left secure	PSGB 200 pa MAFF Ins 12 pa MAFF Vets 20 pa TSOs N/R MAFF IOs 270 in past 5 years	MEDICINES ACT 1968 S 111-114

C1 a)

C1 a)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
14	Retain	To inspect land used for growing, storing or drying English hops	Yes	(i) Written authority must specify producer concerned (ii) Entry at reasonable times	None	HOPS MARKETING SCHEME 1932 Para 47
15	Retain	To inspect any land used for producing, packing or storing potatoes	No	(i) Written authority must specify producer concerned (ii) Entry at reasonable times	10	POTATO MARKETING SCHEME (APPROVAL) ORDER 1955
16	Retain	To inspect land and premises used for producing, grading marking, packing or storing milk or adapting for sale	Yes	(i) Written authority must specify producer concerned (ii) Entry at reasonable times	300 pa approx	MILK MARKETING SCHEME 1933 Para 76
17	Retain	To inspect land used for producing, marketing, packing or storing wool, or adopting it for sale	Yes	(i) Written authority must specify producer concerned (ii) Entry at reasonable times	30 pa approx	BRITISH WOOL MARKETING SCHEME 1950 Para 78
18	Retain	To enter premises of grant applicant to ensure that grants approved under the Scheme can be, and have been, used for purpose intended	Yes	Entry at reasonable times	4,290 approx	AGRICULTURAL & HORTICULTURAL CO OPERATION SCHEME 1971 S 10 (f) *
19	Retain	To enter land used for the production, storage, grading packing or sale of potatoes in connection with the guaranteed price scheme	No	(i) Entry at reasonable times (ii) 3-4 days notice in writing	None	POTATOES (PROTECTION OF GUARANTEED ORDER 1959 S 6
20	Retain - withdraw power from private cattle AI centre staff	To inspect premises and animals which have been artificially inseminated	No	(i) Written authority (ii) Entry at reasonable times	4000 in England and Wales	AGRICULTURAL (MISCELLANEOUS PROVISIONS) ACT 1943 S 17 (7)
21	Retain	To enter land to eliminate or substantially reduce incidence of disease in wildlife	No	(i) Does not extend to dwelling (ii) Inspector must on request produce written authority	18,500 in opposition since 11/77 5 opposed	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1976 S 10
22	Retain - pending future review of the legislation	To enter land where ram or uncastrated ram-lamb are believed to be kept to inspect them	No	(i) Written authority (ii) Must have reasonable belief	14,000	CONTROL OF RAMS REGULATIONS - 1952 Reg 6 (1)

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
23	Retain	To enter any premises in order to inspect or mark stallions	No	Absolute	3	HORSE BREEDING ACT 1958 S7 (2)
24	Retain until lapse in 1985/6	To enter land in connection with scheme which pays money to owner of herd involved in eradicating brucellosis	No	Entry at reasonable time	None	AGRICULTURE ACT 1970 S 106 (8)
25	Retain	Authorised officer to inspect animals in relation to expenditure to eradicate diseases in animals	Yes	(i) Written authority (ii) Entry at reasonable times	600,000	DISEASES OF ANIMALS ACT 1950 S 6
26	Discontinue	Authorised officer may inspect or mark bulls in prescribed manner and enter premises where they are kept	Yes	Entry at reasonable times	None since 1976	IMPROVEMENT OF LIVESTOCK (LICENSING OF BULLS) ACT 1931 S 10 (1) (c) - suspended under secondary legislation
27	Retain	Authorised officer may enter land to ascertain whether requirements for payment under scheme are being met	No	(i) Written authority (ii) Entry at reasonable time	None	HORTICULTURE (SPECIAL PAYMENT) ACT 1974
28	Retain	Authorised officer may enter premises to inspect bees etc and order destruction of diseased ones or treatment with anti-biotic	No	(i) Written authority (ii) Entry only between 1 April and 30 September	80,000 pa	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1941
29	Retain	Authorised officer may enter premises in connection with the EEC hop certification system	No	(i) Written authority (ii) Entry at reasonable times	None	EUROPEAN COMMUNITIES ACT 1972 S 2 (2) Hop Certification Regulations 1979
30	Discontinue	Authorised officer may enter land where hops are or will be grown to ensure compliance with Regulations	No	(i) Written authority (ii) Entry at reasonable times	40 pa	EUROPEAN COMMUNITIES ACT 1972 S 2 (2) Hops (Limitation of Growing Area) Regulations 1977 para 5
31	Retain	Authorised officer may enter premises to enforce EEC grading system	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause to believe regulated produce on premises (iii) May not enter private dwelling (iv) JP's warrant required for entry by force	100,000 pa	AGRICULTURE & HORTICULTURE ACT 1964 S 13(1)

MAFF

MAFF.

88 powers

Discontinue 3 Retain 85

7 to be limited
3 will lapse
5 subject to further review

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
32	Retain	To enter any land or vessel which has anything to do with Salmon and Freshwater Fisheries and where any offence under the Act may be committed	Yes	(i) must have reasonable suspicion (ii) Order from Minister, water authority valid for 12 months to enter lands to prevent an offence (iii) Order from JP valid 24 hours to enter land to detect an offence (iv) Warrant from JP valid 1 week to seize illegal nets and fish	50 MAFF visits Not known Water Authority visits	SALMON & FRESHWATER FISHERIES ACT 1975 S 31 (1), 32 (1), 33 (1) and (2)
33	Retain	To enter land or water to seize fish, fish eggs, foodstuff and inspect land and waters to prevent spread of disease of fish	Yes	(i) Warrant issued by JP required valid one week (ii) Must have reasonable cause to suspect offence	500 in past 5 years approx	DISEASES OF FISH ACT 1937 S 6 (1) and (2)
34	Retain - subject to review of legislation	Water Authority officials may enter land to remove dead or dying fish from infected waters	No	(i) Written authority	Not known	DISEASES OF FISH ACT 1937 S 6 (4)
35	Discontinue S 5 (4) Retain S 14 (3)	To enter land to take samples of shellfish as part of inquiry and remove illegally deposited shellfish and any other infected shellfish	No	(i) Grounds to suppose area not properly run (ii) Reasonable grounds for suspecting contravention (iii) Conviction served (to remove illegal deposits of shellfish)	Not known	SEA FISHERIES (SHELLFISH) ACT 1967 S 5(4) and S 14 (3)
36	Retain	To stop and search any vessel used in fishing or carrying fish etc. Also to enter and search premises and seize sea fish or instruments used in contravention of bylaw of Sea Fisheries Committee	Yes	(i) SFC fishery officers have same liabilities as constables (ii) Warrant from JP required valid up to one week	No known	SEA FISHERIES REGULATION ACT 1966 S 10 (2) and S 12 (1)
37	Retain - pending review of Sea Fishery Committees	Any fishery officer may board a British fishing boat to examine fishing gear and seize any involved in a contravention of the Act	Yes	Absolute	Not known but used regularly	SEA FISH (CONSERVATION) ACT 1967 S 17

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
38	Retain	To enter land, vehicles, aircraft, hovercraft, ships, marine structures to enforce UK obligations under Oslo and London conventions on dumping of waste at sea	Yes	(i) Must enter at reasonable times (ii) Written authority (iii) Must have reasonable cause to believe substances are to be dumped	100	DUMPING AT SEA ACT 1974 S 5
39	Retain	MAFF officials to enter premises to enforce the Food and Drugs Act	Yes	(i) Entry at all reasonable hours (ii) 24 hours notice for entry to private dwelling house (iii) JP's warrant for forced entry	127,016	FOOD AND DRUGS ACT 1955 S 103
40	Retain	Local authority officials to enter any premises to enforce Food and Drugs Act to protect public health and hygiene	Yes	(i) Entry at reasonable times (ii) 24 hours notice for entry to private dwelling (iii) JP's warrant for forced entry	Not known	FOOD AND DRUGS ACT 1955 S 100, 101
41	Retain	To enter premises to check the accuracy of accompanying documentation for wine	Yes	Absolute	5,500	CAP (WINE) REGULATIONS 1979
42	Retain	To enter premises and inspect any material or article with which food has come into contact	Yes	(i) Must have reasonable cause for suspicion to require production of documents (ii) written authority (iii) Entry at reasonable hours	Not known	MATERIALS & ARTICLES IN CONTACT WITH FOOD REGULATIONS 1978 Reg 10
43	Retain - powers of police officers and market authority officers could possibly be discontinued	To enter any boat or premises to ensure sea fish is not under a minimum size	Yes	Entry at reasonable times	Not known - regular use	SEA FISH (CONSERVATION) ACT 1967 S 16 (1)

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
38	Retain	To enter land, vehicles, aircraft, hovercraft, ships, marine structures to enforce UK obligations under Oslo and London conventions on dumping of waste at sea	Yes	(i) Must enter at reasonable times (ii) Written authority (iii) Must have reasonable cause to believe substances are to be dumped	100	DUMPING AT SEA ACT 1974 S 5
39	Retain	MAFF officials to enter premises to enforce the Food and Drugs Act	Yes	(i) Entry at all reasonable hours (ii) 24 hours notice for entry to private dwelling house (iii) JP's warrant for forced entry	127,016	FOOD AND DRUGS ACT 1955 S 103
40	Retain	Local authority officials to enter any premises to enforce Food and Drugs Act to protect public health and hygiene (L.A.)	Yes	(i) Entry at reasonable times (ii) 24 hours notice for entry to private dwelling (iii) JP's warrant for forced entry	Not known	FOOD AND DRUGS ACT 1955 S 100, 101
41	Retain	To enter premises to check the accuracy of accompanying documentation for wine	Yes	Absolute	5,500	CAP (WINE) REGULATIONS 1975
42	Retain	To enter premises and inspect any material or article with which food has come into contact (L.A.)	Yes	(i) Must have reasonable cause for suspicion to require production of documents (ii) written authority (iii) Entry at reasonable hours	Not known	MATERIALS & ARTICLES IN CONTACT WITH FOOD REGULATIONS 1978 Reg 10
43	Retain - powers of police officers and market authority officers could possibly be discontinued	To enter any boat or premises to ensure sea fish is not under a minimum size	Yes	Entry at reasonable times	Not known - regular use	SEA FISH (CONSERVATION) ACT 1967 S 16 (1)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
44	Retain	To enter land or water to kill or take seals to prevent damage to fisheries	No	(i) Minimum of 28 days notice (ii) Consultation with National Environment Research Council before authorisation granted	None	CONSERVATION OF SEALS ACT 1970 S 11
45	Retain	To enter land and examine livestock, in the interests of their welfare	Yes	(i) Entry at reasonable times (ii) May not enter private dwelling	2974	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 S 6 (1) (6)
46	Retain	To enter any land, building or vehicle to prevent the spread of animal disease	Yes	(i) Must produce certificate of appointment (ii) If required, inspector must state reasons for entry in writing	Not known	DISEASES OF ANIMAL ACT 1959 S 73 (4)
47	Retain	To enter land where Min Vet Inspector believes a bird or animal infected with a designated disease is or has been to control certain designated zoonoses	Yes	Must have reasonable belief about presence of disease	1,400 since 1/76	DISEASES OF ANIMALS ACT 1950 AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1972 S 1(5)
48	Retain	To enter Covent Garden market premises to ascertain whether there has been a contravention of the Act or by-laws	No	Must have a JP's warrant	Not known	COVENT GARDEN MARKET ACT 196 S 30
49	Retain for remaining period of scheme	To enter and inspect and count cattle or sheep in connection with an application for payment of a premium	No	Entry at reasonable times	None	DAIRY HERD CONVERSION PREMIUM REGULATIONS 1973 Reg 5
50	Retain	To enter farm premises to inspect herds and/or flocks in connection with application to claim compensatory allowances	No	Entry at reasonable times	None	HILL LIVESTOCK (COMPENSATORY ALLOWANCES) REGULATIONS 1979 Reg 7 (2)
51	Retain	To enter farm premises to verify the amount of land farmed, mark and register the dairy herds on such land in connection with payment of a premium	No	Entry at reasonable times	None	NON-MARKETING OF MILK & MILK PRODUCTS AND THE DAIRY HERD CONVERSION PREMIUM REGULATIONS 1977 Reg 4 *

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
52	Retain	To enter land used in production, slaughter or sale of fat sheep and carcasses to protect guarantee payments made to producers	Yes	(i) Entry at reasonable times (ii) Guidance in HMSO booklet on scheme	Several	FAT SHEEP (PROTECTION OF GUARANTEES) ORDER 1976 Article 9 *
53	Retain	Officer of Meat and Livestock Commission may enter any premises, stall or vehicle involved in the production or sale of meat to obtain information on a matter of concern to the Commission	No	(i) Entry at reasonable times (ii) May not enter dwelling	None	AGRICULTURE ACT 1967 S 23
54	Retain	To enter land where he believes a premium payment has been made illegally	Yes	(i) May not force entry (ii) Must have reasonable belief offence has been committed	None	BEEF PREMIUMS (PROTECTION OF PAYMENTS) ORDER 1978 No 17 Article 14
55	Retain	To enter premises to ensure that transactions funded by the Intervention Board for Agricultural Produce are properly executed	Yes	Entry at reasonable times	1,500	CAP (AGRICULTURAL PRODUCE) (PROTECTION OF COMMUNITY ARRANGEMENTS) (NO 2) ORDER 1973 No 288 Articles 4 and 5
56	Retain	To enter premises to protect funds in respect of export levies as laid down under EEC requirements	Yes	Absolute	479	CAP (AGRICULTURAL PRODUCE) (PROTECTION OF COMMUNITY ARRANGEMENTS) (NO 2) ORDER 1973 No 288 Articles 7 and 8
57	Retain	To enter premises to enable the IBAP to ensure funds used correctly	Yes	Entry at reasonable times	4,809	CAP (PROTECTION OF COMMUNITY ARRANGEMENTS) REGULATIONS 1973 Articles 4 & 5
58	Retain	To enter premises used for production or storage of products on which agricultural levy may be chargeable to ensure no irregularities	Yes		530	CAP (PROTECTION OF COMMUNITY ARRANGEMENTS) REGULATIONS 1973 No 424 Articles 7 & 8

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
59	Retain - but possibly with- draw permanent warrants to Land Drainage Engineers and issue temporary warrants as necessary	To enter land for any statutory function in connection with land drainage	No	(i) 7 days notice to residential land or if heavy equipment is to be used (ii) JP's warrant for entry by force	50 pa	WATER RESOURCES ACT 1963 S 111 22-112
60	Retain	To enter land and (in some cases) inside water mills to exercise function of Internal Drainage Boards (1.6)	No	7 days notice if land residential or heavy equipment is to be used	Not known	LAND DRAINAGE ACT 1976 S 39
61	Retain	To enter any land for any work specified in an order obtained from an Agricultural Land Tribunal relating to ditches	No	(i) 7 days written notice (ii) Order from Agricultural Land Tribunal	2	LAND DRAINAGE ACT 1976 S 43
62	Retain	To enter land to see if there has been contravention of Part 1 of the Act (eg use of unlicensed premises as slaughterhouse) (1.6)	Yes	(i) Written authority (ii) Entry at reasonable hours (iii) 24 hours notice for private dwelling (iv) JP's warrant for entry by force	Not known	SLAUGHTERHOUSES ACT 1974 S 20 (1)
63	Retain	To enter land to see if there has been contravention of Part II of the Act (eg provisions relating to prevention of cruelty to animals at place of slaughter) (1.6)	Yes	Entry at reasonable times	Not known	SLAUGHTERHOUSES ACT 1974 S 42 (1)
64	Retain	To enter premises to ensure humane slaughter of poultry for commercial purposes (1.6)	Yes	None	3,117	SLAUGHTER OF POULTRY ACT 1967 S 4 (1)
65	Retain	To enter land to remove and destroy plant pests and to prevent their spread	No	Absolute	35,750 pa	PLANT HEALTH ACT 1967
66	Retain	To inspect any premises, plant, equipment or livestock for which grant has been made or claimed under the Act	No	(i) Entry at reasonable times (ii) Written authority	357,000	EUROPEAN COMMUNITIES ACT 1972 S 2 (2) * Farm and Horticulture Development Regulations 1978 Reg 17

MAFF

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
67	Retain - pending review of legislation	To enter vessels or premises in connection with collection of 2 levies on fishing industry and grants on fishing vessels	No	(i) Entry at reasonable hours (ii) JP's warrant for entry by force	2,500 pa	SEAFISH INDUSTRY ACT 1970 S 13
68	Retain	To inspect grant aided fisheries harbour works	No	None	Not known	FISHERIES ACT 1955 S 2
69	Retain	To enter land to determine if and in what way the functions of the Rural Development Board should be exercised in relation to the land	No	(i) Written authority if residential land (ii) Entry at reasonable times (iii) 48 hours or 7 days notice (i) Written authority (ii) Entry at reasonable times	None	AGRICULTURAL ACT 1967 S 55
70	Retain	To enter land for purposes connected with work being carried out on neighbouring land to restore land used for ironstone mining (A.C.)	No	(i) Written authority (ii) Entry at reasonable times	None	MINERAL WORKINGS ACT 1951 S 36(i)(3)
71	Retain	To enter and inspect land to prevent the spread of injurious weeds	No	(i) Minister must be satisfied the weeds are growing (ii) only applies to commercial agricultural land (iii) Informal approaches must have failed before power used (iv) Notice served on occupier giving date of inspection	2,169 routine visits 1 power used	WEEDS ACT 1959 S 4 (1)
72	Retain - consider discontinuing powers of Customs and Excise and Coastguards	To enter fishing boat and make any examinations necessary to ensure enforcement of the provisions of the Act	Yes	None	Not known - regularly used	SEAFISH (CONSERVATION) ACT 1967 SEA FISHERIES ACT 1968 S 7, 8
73	Retain	To enter land etc where he believes poultry are kept to find out whether there is or has been disease	No	(i) Written authority (ii) Give reasons for entry in writing if required	Less than 200	DISEASES OF ANIMALS ACT 1950 S 51
74	Retain	An Inspector of the Ministry has power to seize or cause rabies virus or an animal into which it has been introduced to be seized	Yes	Must have a reasonable belief an offence has been committed	None	DISEASES OF ANIMALS ACT 1950

NO	RECOMMENDATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHERWISE STATED	STATUTORY BASIS
75	Retain	May enter any premises etc, to carry out or cause to be carried out the cleansing or disinfections specified in a Notice	Yes	Only be used where requirements of a Notice have not been carried out	None	DISEASES OF ANIMALS ACT 1950
76	Retain	May enter any vessel to seize an animal which has not been securely confined on board	Yes	None	Not known	DISEASES OF ANIMALS ACT 1950
77	Retain	To enter land etc, where there are reasonable grounds to suspect an animal has been illegally landed	Yes	(i) Must have reasonable grounds for suspicion (ii) entry where there is non-compliance with Notice	Not known	DISEASES OF ANIMALS ACT 1950
78	Retain	To enter any part of premises where there is suspicion that rabies exists or has existed within previous 56 days, may examine any animals or carcasses on premises	Yes	(i) Rabies must be suspected		DISEASES OF ANIMALS ACT 1950
79	Retain	To enter an infected place to carry out disinfection etc, where an occupier fails to comply with notice served on him	Yes	Occupier may request reasons for entry in writing	None	DISEASES OF ANIMALS ACT 1950
80	Retain	To enter infected area to decide whether to, and if necessary carry out the destruction of foxes to prevent spread of rabies	No	Notice must be issued before destruction of foxes begins	None	DISEASES OF ANIMALS ACT 1950
81	Retain - but withdraw powers to survey land to ascertain its suitability for afforestation and for inspection of timber	To survey land to ascertain its suitability for afforestation, to inspect timber or any other purpose connected with Commissioner's duties	Yes	Written authority	Not known	FORESTRY ACT 1967 S 48 (1)
82	Retain	To enter land and examine trees and plants for disease, and order destruction of any found to be diseased	No	(i) Inspector must produce his authority on request (ii) Written notice necessary to enter land	Not known	PLANT HEALTH ACT 1967 S 3 (2) (6)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
83	Retain	To enter retail outlets and require production of documents take copies of them or extracts from them, and request explanation of them in connection with milk price controls	Yes	JP's warrant required for entry by force	300 approx	EMERGENCY LAWS (RE- ENACTMENTS & REFALS) ACT 1964
84	Retain	Local authority officers to enter premises to enforce weights and measures provisions to Eggs (Marketing Standards) Regulations (12)	Yes	(i) JP's warrant for entry by force (ii) Entry at reasonable times (iii) No entry to a private dwelling	Not specified	EUROPEAN COMMUNITIES ACT 1972 EGGS (MARKETING STANDARDS) REGULATIONS 1973 Reg 3
85	Retain	MAFF officer to enter and inspect land and premises concerned with production or marketing of eggs for hatching and farmyard poultry chicks and marketing standards for shell eggs	Yes	(i) Must have reasonable suspicion activity being carried out (ii) Eggs used in tests may not be removed from the premises	60,000 (2 where powers indicated)	EGGS (MARKETING STANDARDS) REGULATIONS 1973 Reg 4
86	Retain	To enter land used for hatching domestic fowls and inspect it and any fowls found to determine liability of the hatcher to lay	No	(i) Written authority needed (ii) Entry at all reasonable times (iii) Reasonable grounds for suspicion (iv) Notice in writing	None	AGRICULTURE ACT 1970 S 16 (2) (d)
87	Power lapses in September 1985	To enter in connection with grant paid for cottage improvement	No	(i) Written authority (ii) 24 hours notice	None	HILL FARMING ACT 1946 S 34
88	Retain	To survey land to approve proposals for improvements and to judge whether properly carried out and maintained in connection with improvement loans	No	None	1	IMPROVEMENT OF LAND ACT 1864 S 15, 48 and 75

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
89	Retain	To requisition accommodation as quarters for HM Forces	No	<p>(i) Qualified by provision for payment, compensation for damage, right of appeal.</p> <p>(ii) Chief Officer of police shall exercise his function in such manner as will cause least hardship'</p> <p>(iii) Order by S of S exercised by SI to bring into force the provisions of the Act. Resolution of each House of Parliament for extension.</p> <p>(iv) In case of billeting for naval reservists, flag officer (RN) may issue billeting requisition.</p>	None	<p>(89) NAVAL BILLETING ACT 1914</p> <p>(90) ARMY ACT 1955</p> <p>(91) AIR FORCE ACT 1955</p>
92	Retain	To enter on land for purpose of survey and valuation for purchase (inc compulsory purchase)	No	<p>(i) Qualified by prescription of arrangements for valuation</p> <p>(ii) Not less than 3 days' notice in case of entry for survey</p> <p>(iii) Compensation to be made</p> <p>(iv) Disputes on compensation to the Lands Tribunal</p> <p>(v) Provision for appeal.</p>	1	<p>DEFENCE ACT 1842</p> <p>LAND CLAUSES CONSOLIDATION ACT 1845</p> <p>DEFENCE ACT 1860</p>
93	Retain	To inspect land with a view to compulsory purchase and to enter on land near the coast to fix alignment marks	No	<p>(i) Provision for local enquiry and, after Provisional Order, for confirmation by Parliament</p> <p>(ii) One month's notice in the case of compulsory purchase, before making of Provisional Order</p> <p>(iii) Seven days' notice in the case of the fixing of alignment marks</p> <p>(iv) Disputes on compensation in cases of compulsory purchase to the Lands Tribunal</p> <p>(v) Powers for fixing alignment marks apply only near the coast.</p>	None	MILITARY LANDS ACT 1892

~~History~~
Defence

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
94	Retain	To enter and survey land with a view to exercise of powers given by Land Powers (Defence) Act 1958	No	(i) Entry at reasonable times (ii) Provision for compensation (iii) Seven days' notice or 28 days if survey is to include searching and boring.	Numerous	LAND POWERS (DEFENCE) ACT 1958
95	Retain	To make occasional use of land for defence training purposes	No	(i) Specification of purpose, eg the carrying out of signalling exercises (ii) Limitation on frequency (not more than 6 times in 12 months) (iii) Twenty one days' notice, within which period objections to the proposed order by S of S can be made (iv) Fourteen days' notice before any particular use (v) Provision for hearing of objections before person appointed by Lord Chancellor.	None	LAND POWERS (DEFENCE) ACT 1958
96	Retain	To enter land to prevent the obstruction of and electrical interference with air fields	No	(i) Qualified by reference to the distance of the obstruction, which should be situated within 2 miles of the boundary of the airfield (ii) Provision for compensation (iii) Minister may be order require the occupier to remove the obstruction within 21 days of serving the order. In default, any person authorised by S of S may enter (iv) Provision for hearing of objections before person appointed by Lord Chancellor.	None	LAND POWERS (DEFENCE) ACT 1958

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
97	Retain	To enter land to lay pipelines	No	<ul style="list-style-type: none"> (i) Qualified by strict specification of purpose (ii) Twenty one days' notice within which period objections to the proposed order by S of S can be made (iii) Fourteen days' notice before any particular application (iv) Seven days' notice of entry to inspect (v) Provision for hearing of objections before person appointed by Lord Chancellor 	Numerous	LAND POWERS (DEFENCE) ACT 1958
98	Retain	To enter land for the purposes of manoeuvres. To pass over, encamp, construct works not of a permanent nature and execute defence manoeuvres on any land	No	<ul style="list-style-type: none"> (i) Qualified by exclusion of houses, places of worship, schools, factories etc, and by requirement to limit damage (ii) Two months' notice required before manoeuvres order is made (iii) Manoeuvres period to begin not less than 9 months after Order is made (iv) Order required to be approved by Parliament (v) Manoeuvres to be conducted, under the direction of a Manoeuvres Commission chaired by a nominee of the Lord Chancellor and largely made up of representatives of other government departments. 	None	MANOEUVRES ACT 1958

DEPARTMENT OF EDUCATION & SCIENCE

(Mail Macfarlane Parliamentary Under Secretary of State)

1 power

Recommendation: Discontinue 0 Retain 1

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
99	Retain	HM Inspectorate of Schools inspect independent schools	Yes	One month's written notice is usually given, and appointments made for less formal visits. Only where illegality or fear for safety of children occurs or is suspected is surprise used	3000 approx	EDUCATION ACT 1944 S.77

DEPARTMENT OF EMPLOYMENT

7 powers

Recommendation: Discontinue 1 Retain 6 of which 2 are contained in legislation for review

(Patrick Mayhew Parliamentary Under Secretary of State)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
100	Retain	To enter any premises to enforce the Act	Yes	(i) Entry at reasonable times unless it is to avert danger (ii) Powers of inspector limited to those specified in instrument of appointment	HM Factory Inspectorate 200,000-250,000; HM Explosives Inspectorate 200-250; HM Agricultural Inspectorate 30,000-35,000; HM Mines and Quarries Inspectorate 21,000-24,000; HM Alkali & Clean Air Inspectorate 15,000-17,000; HM Nuclear Installations Inspectorate 700-1,000; Railway Inspectorate 16,000 p.a. HM Pollution Inspectorate for Scotland 1500 p.a. Petroleum Engineering Division 50 p.a., Pipeline Inspectorate 30 p.a. Local authorities 1,700,000 approx 1976-78.	HEALTH AND SAFETY AT WORK ETC ACT 1974 S.20
101	Retain	To inspect premises in connection with the issue of licences to employment agencies	Yes	(i) Only applies to premises known to be used as an employment agency or which an inspector has reasonable cause to believe are being used for the purpose (ii) Written authority	28,000 since 7/76	EMPLOYMENT AGENCIES ACT 1973 S9(1)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
102	Retain	To enter any premises in connection with a business covered by a wages order to ensure payment of statutory minimum wages	Yes	Entry at any reasonable time	2 million	WAGES COUNCILS ACT 1979
103	Retain - legislation under review	To enter premises reasonably believed to employ bakery workers, to discover and prevent unauthorised night working	Yes	(i) Must have reasonable cause to believe bakery workers are employed	None	BAKING INDUSTRY (HOURS OF WORK) ACT 1954
104	Discontinue -- will be repealed by Employ- ment Bill	To enter premises where there is reasonable cause to believe road-haulage workers are employed in connection with settlement of complaints about unfair wages	No	Entry at all reasonable times	None	ROAD HAULAGE WAGES ACT 1938
105	Retain - legislation under review	To enter any premises where people to whom the Act applies are employed. To protect workers' rights to payment of wages in cash and prohibit illegal deductions	No	Entry at all reasonable times	330 in 4 year period ending 31/12/79	TRUCK ACT 1887 extended by TRUCK ACT 1896 and amended by TRUCK ACTS 1831-96 (ENFORCEMENT) REGULATIONS 1974
106	Retain	To enter a factory where there is reasonable cause to believe people are employed to examine wages sheets etc	Yes	(i) Must have reasonable belief (ii) Entry at reasonable times	1 in past 4 years	FACTORIES ACT 1961

DEPARTMENT OF ENERGY

42 powers of entry

Recommendation: Discontinue 3 Retain 39 of which

(Norman Lamont, Parliamentary Under Secretary of State)

6 to be amalgamated to 3

11 to be rationalised to 4 if BGC agree

1 to be limited and contain additional safeguard

1 to contain additional safeguard

1 may be subject to further review

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE SAFEGUARDS NEEDED	(i) Twenty four hours notice (ii) JP's Warrant for entry after due notice has been given and entry refused	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
107	Retain - amalgamate with 109	To enter and remove or inspect the Board's apparatus or to disconnect supply	Yes	(i) Twenty four hours notice (ii) JP's Warrant for entry after due notice has been given and entry refused	58,000 (includes 109 and 110)	ELECTRIC LIGHTING ACT 1882 S.24
108	Discontinue	To enter premises to install a meter if required by a consumer	No	Twenty four hours' notice	None	ELECTRIC LIGHTING (CLAUSES) ACT 1899 S.52 of Schedule
109	Discontinue	Access to premises to remove, test or inspect a meter owned by a consumer	No	Twenty four hours' notice	None	ELECTRIC LIGHTING (CLAUSES) ACT 1899 S.54 of Schedule
110	Retain - amalgamate with 106	Access to premises to remove, test or inspect a meter owned by the Board	No	(i) Twenty four hours' notice (ii) JP's warrant for entry after due notice has been given and entry refused	58,000 (includes 106 and 110)	ELECTRIC LIGHTING (CLAUSES) ACT 1899, S. 56 of Schedule
111	Retain - amalgamate with 112	Access to land not in public use to replace, repair, or alter alter existing electric line	No	(i) Twenty four hours' notice (ii) JP's warrant for entry after due notice has been given and entry refused	58,000 (includes 106 and 109)	ELECTRIC LIGHTING ACT 1882 S.12
112	Retain	Access to land to survey as to whether suitable for use for Board's duties	No	(i) Twenty eight days' notice required (ii) Not to be used when land covered by buildings or used as pleasure garden etc	None	ELECTRICITY ACT 1957 S35
113	Retain - amalgamate with 110	To place electric line above or below ground across any land not covered with buildings or used as pleasure garden	No	(i) Twenty one days' notice of intention, then further 21 days to appeal (ii) Board must obtain Secretary of State's consent to compulsory way leave	70	ELECTRICITY (SUPPLY) ACT

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
114	Retain	To enter land to lop or cut a tree or hedge	No	(i) Twenty one days notice required (ii) Secretary of State's consent required	3	ELECTRICITY (SUPPLY) ACT 1926
115	Retain - rationalisation of gas powers has been pro- posed to BGC	To have access to and to remove, inspect and replace any gas meter	Yes	(i) Twenty hours notice required before JP's warrant granted for entry without consent (ii) Entry at reasonable times (iii) If meter removed a substituted meter must be fixed (iv) Costs to be met initially by Corporation (v) After entry premises to be left secure and damage made good	3.7 million	GAS ACT 1972, para 8(3)
116	Retain - rationalisation of gas powers has been proposed to BGC	To enter premises to cut off the supply in case of default in payment of charges due from any gas consumer in respect of the supply of gas	No	(i) Seven days' notice in writing (ii) Entry only with occupiers' consent or JP's warrant (iii) After entry premises to be left secure and damage made good	29,000 pa	GAS ACT 1972 Sch 4 para 17(1)
117	Retain - rationalisation of gas powers has been proposed to BGC	To enter any premises supplied with gas to check anti-fluctuators and valves installed by industrial and commercial gas consumers	No	(i) Entry with occupiers consent or JP's warrant (ii) Entry at reasonable times and for purpose stated (iii) After entry premises to be left secure and damage made good	Not specified	GAS ACT 1972 Sch 4 paras 18(7) and (8)
118	Retain - rationalisation of gas powers has been proposed to BGC	To enter any premises supplied with gas to inspect meters etc for the supply of gas; to ascertain the quantity of gas consumed or supplied	Yes	(i) Entry with occupiers consent or JP's warrant (ii) Entry at reasonable times and for purpose stated (iii) After entry premises to be left secure and damage made good	3,000 pa approx	GAS ACT 1972 Sch 4 para 24

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
119	Retain - rationalisation of gas powers has been proposed to BGC	To enter premises to remove pipes, meters etc through which a gas supply was given	No	<ul style="list-style-type: none"> (i) Twenty four hours' notice for occupied premises (ii) Forty eight hours' notice for unoccupied premises by affixing notice to premises (iii) Entry at reasonable times and for purposes stated (iv) Entry with occupiers consent or magistrates warrant (v) After entry premises to be left secure and damage made good 	,000 pa	GAS ACT 1972 Sch 4, para 25(1)
120	Retain - rationalisation of gas powers has been proposed to BGC	To enter premises to inspect gas fittings, to carry out any work necessary to prevent gas escape and to take any steps necessary to avert danger to life or property	No	<ul style="list-style-type: none"> (i) Only applies where reasonable cause to believe gas is escaping (ii) Except in emergency entry with occupiers consent or JP's warrant (iii) After entry premises to be left secure and damage made good 	2.5 million pa	GAS ACT 1972 Sch 4, para 25(3)
121	Retain - rationalisation of gas powers has been proposed to BGC	To enter premises with gas supply to inspect and test apparatus and disconnect anything which could cause danger to life or property	No	<ul style="list-style-type: none"> (i) Entry only for purpose stated (ii) Entry only with occupiers consent or JP's warrant 	125 since 1977	GAS SAFETY (RIGHTS OF ENTRY) REGULATIONS 1976
122	Retain - rationalisation of gas powers has been proposed to BGC	To enter on and prospect and survey land	No	<ul style="list-style-type: none"> (i) Twenty eight days' notice is required (ii) Occupiers have right of objection (iii) Entry at reasonable times with owners consent or JP's warrant (iv) Corporation to reinstate damaged land within 1 month 	None	GAS ACT 1965 Sch 6, para 2

NO	RECOMMENDATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHERWISE STATED	STATUTORY BASIS
123	Retain - rationalisation of gas powers has been proposed to BGC	To inspect any excavation etc near underground storage.	No	<ul style="list-style-type: none"> (i) Twenty hour notice required (ii) Entry only for purpose stated and at reasonable times (iii) Entry with occupiers consent or JP's warrant (iv) Compensation payable by Corporation 	None	GAS ACT 1965 Sch 6, para 4
124	Retain - rationalisation of gas powers has been proposed to BGC	To enter land or building and replace or repair an existing pipe lawfully placed	No	<ul style="list-style-type: none"> (i) Seven days' written notice unless it is an emergency (ii) Entry for purpose stated (iii) Entry with occupiers consent JP's warrant (iv) Premises to be left secure and damage made good 	None	GAS ACT 1972 Sch 4, para 1(3)(b)
125	Retain - rationalisation of gas powers has been proposed to BGC	To enter and survey land to prepare documents for Minister or make assessments for compensation	No	<ul style="list-style-type: none"> (i) Twenty eight days' notice (ii) Only applies during proceedings for making a storage authorisation order or in connection with compensation claim (iii) Entry with occupiers consent or JP's warrant (iv) Entry at reasonable times (v) Compensation payable by Corporation 	None	GAS ACT 1965 Sch 6, para 3
126	Retain	To enter etc for mining purposes underground, land not vested in the Board	No	The provisos to S.15 impose substantial restrictions	Innumerable	COAL ACT 1938 S.15 COAL INDUSTRY NATIONALISATION ACT 1946 S.8
127	Retain	Entry to remedy, mitigate or prevent deterioration in land drainage system because of subsidence from coal-mining (England and Wales only)	No	<ul style="list-style-type: none"> (i) Seven days' notice (ii) JP's warrant required if entry refused 	Numerous	COAL MINING (SUBSIDENCE) ACT 1957 S.5(6) WATER RESOURCES ACT 1963 S.11 LAND DRAINAGE ACT 1976 S.17 and 39

NO	RECOMMENDATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHERWISE STATED	STATUTORY BASIS
128	Discontinue	To enter, inspect and execute works on premises in connection with subsidence damage resulting from coal mining	No	(i) Only exercisable if occupier refuses consent (ii) Must have an order of magistrates court	None	COAL MINING (SUBSIDENCE ACT 1957 S.13(9))
129	Retain	Prospecting on land other than land covered by buildings for coal suitable for working by opencast operations	No	(i) Forty two days' notice if land is occupied (ii) Written authority (iii) Only exercised on land and in period directed by Secretary of State	None	OPENCAST COAL ACT 1958 S.39(1)
130	Retain	To enter and survey land (i) in connection with application for opencast mining rights and (ii) in preparation for the working of the claim (iii) in connection with compensation claim (iv) to affix notices	No	(i) Forty two days notice if land is occupied (ii) Written authority	None	OPENCAST COAL ACT 1958 S.39(3)
131	Retain	Power to enter on land etc owned by a licensee	No	Entry at reasonable times only	6 in 1979 approx earlier years would not show more	PETROLEUM (PRODUCTION) REGS A66 model clauses 16 and 17; PETROLEUM PRODUCTION REGS 1976 M.C. 17 and 18 of Sch 6 M.C. 31 and 32 of Sch 4 PETROLEUM AND SUBMARINE PIPELINES ACT 1975 M.C. 30 and 31 of Pt 2 of Sch 3
132	Retain	To board and inspect any part of an offshore installation as defined in the Mineral Workings (Offshore Installations) Act 1971 S.1(3)	Yes	None	600	OFFSHORE INSTALLATIONS (INSPECTORS AND CASUALTIES) REGS 1973, reg 2
133	Retain	To enter any premises etc connected with submarine pipelines	Yes		150 in past 2½ years	SUBMARINE PIPELINES (INSPECTORS ETC) REGULATIONS 1977, reg 3
134	Retain	To enter any premises subject to the Health and Safety at Work etc Act 1974 in respect of land pipelines	Yes	Entry at reasonable times unless damage imminent	30	HEALTH AND SAFETY ETC ACT 1974 Part 1 S.20

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
135	Retain	To enter into and inspect installations or equipment of Seaward Production Licence holders	No	Entry at reasonable times	30 pa	PETROLEUM & SUBMARINE PIPELINES ACT 1975 Clause 33 of Part Sch 2
136	Retain - may be sub- ject to review as part of consideration of Burgoyne Committee recommendation for single Govt. Agency responsible for safety offshore	To enforce the Health and Safety at Work etc. Act in offshore installations and vessels	Yes	Entry at reasonable times unless danger is imminent	80 since 7/79	PETROLEUM PRODUCTION REGS 1976 M.C. 34 of Sch 5 and 17 of Sch 7 PPR 1966 M.C. 17 of Sch 5 HEALTH & SAFETY AT WORK etc ACT 1974 S.20
137	Retain	To enter any premises subject to the Pipelines Act 1962 in respect of land pipelines	Yes	Entry at reasonable times unless danger imminent	None	PIPELINES ACT 1962 S.42 as modified by PIPELINES ACT 1962 (REPEALS & MODIFICATIONS) REGS 1974
138	Retain	Access to premises for enforcement purposes when an actual or threatened emergency of our oil stocks is imminent	Yes	(i) Written authorisation on request (ii) Entry at reasonable hours	None	ENERGY ACT 1976 S.6 and Sch 2 para 3
139	Retain	Access to premises for enforcement purposes of marketers who market over 100,000 tonnes of petroleum fuels in UK	Yes	(i) Written authorisation on request (ii) Entry at reasonable times	None	ENERGY ACT 1976 S.6 and Sch 2 para 3

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
140	Retain	To enter premises to ensure compliance with price controls in relation to fuel for general public	Yes	Seven days' notice if warrant required	None	ENERGY ACT 1976 Sch 2 para 5
141	Retain — but repeal power as it relates to plant and research	To inspect premises connected with production of atomic energy or where atomic research is believed to be carried on or where nuclear materials or minerals from which they may be obtained are situated	Yes	Must have reasonable grounds for suspecting nuclear materials or plant on premises	None	ATOMIC ENERGY ACT 1946 S.5
142	Retain	EEC Commission may send inspectors to member states to have access to everything to do with nuclear materials, equipment or installations	Yes		61 during 1977-79	EUROPEAN COMMUNITIES ACT 1972 S & CIS (EUROTOM TREATY 1957 Articles 77 and 81
143	Retain	IAEA inspectors to enter and carry out safeguards inspection of civil nuclear activities	Yes		4 in 1978/79	NUCLEAR SAFEGUARDS & ELECTRICITY (FINANCE) ACT 198
144	Retain — amalgamated with 144 and introduce requirement for 7 days notice	Access to land to inspect or restore pipelines, or restore land where pipeline has been abandoned	No	Reasonable notice in writing except in case of emergency	44 p a average	REQUISITIONED LAND & WARWORKS ACTS 1945 and 1948 S.15
145	Retain — amalgamate with 143	Access to land to construct, maintain, inspect or remove pipeline or restore land	No	Seven days' notice for construction maintenance and	424 pa (includes 145 and 146)	LAND POWERS (DEFENCE) ACT 1958 S.15(1)
146	Retain	Access to land to remove anything erected or deposited over a pipeline	No	Seven days' notice	424 pa (includes 144 and 146)	LAND POWERS (DEFENCE) ACT 1958 S.16(2)
147	Retain	Access to land to survey land in connection with proposed pipeline construction, maintenance or removal	No	Seven days' notice	424 pa (includes 144 and 145)	LAND POWERS (DEFENCE) ACT 1958 S.21(1)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
148	Retain — but introduce a require- ment for 7 days notice	Access to premises for enforcement purposes where either an extension to an existing distillation unit or a new unit, is planned to be constructed (planning permission granted) or is under construction	No	(i) Written authority if requested (ii) Entry at reasonable times	None	PETROLEUM & SUBMARINE PIPELINES ACT 1975 S.37(2)

DEPARTMENT OF THE ENVIRONMENT

(Marcus Fox, Parliamentary Under Secretary of State)

9 of which
17 to be reviewed
2 to be reviewed further.

Recommendation: Discontinue 6

(D) powers of entry

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
149	Retain	Any land to survey in connection with: (a) any application for consent, permission or, determination or, any order made under Pt III (General Planning Control) or S 63 (Advertisement Control); (b) any proposal by the S of S or local authority to serve or make an order under Pt III except S 44, Pt IV (Additional Controls) or, Pt V (Enforcement of Controls)	No	24 hours notice minimum	50,000 usually by consent	TOWN & COUNTRY PLANNING ACT 1971 S 280 (1)(a), (b), (c) (2), (3), (4)(a), (b)
150	Retain	5(a) Buildings which may merit listing to survey land record details or, (b) listed buildings to ascertain if offence committed, eg damage or unauthorised works or, if urgent preservation works are needed	No	(i) 24 hours notice (ii) Written authority	6,000 usually by consent in respect of (a) Entries for (b) are generally by local authorities	TOWN AND COUNTRY PLANNING ACT 1971 S 280 (2), (3), (4)(1), (b)
151	Retain	Any land to survey or estimate value in connection with claim for compensation under Pt VII for planning decisions restricting new developments	No	25 hours notice	Not known but normally by Valuation Officer on behalf of S of S	TOWN & COUNTRY PLANNING ACT 1971 S 280 (5)
152	Retain - but repeal power so far as it relates to Secretary of State	Any land to survey in connection with local or structure plans	No	(i) 24 Hours notice (ii) Offence to divulge trade secret	Not known	TOWN & COUNTRY PLANNING ACT 1971 S 280 (1)(a)
153	Retain - but repeal power under (a)	Land to inspect trees covered by preservation orders when there is: (a) an appeal against a local authority's refusal to allow work on trees; (b) an appeal against a local authority's refusal to allow work on trees; (c) an appeal lodged against a replacement order	No	24 hours notice	3,000	TOWN & COUNTRY PLANNING ACT 1971 S 280 (1)(b)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
154	Retain	Land or buildings to survey (including searching and boring) making valuations and take possession subject to CPO, in acquisition of land required for the public service	No	(i) 24 hours notice for occupied land (ii) Power may not be exercised until CPO takes effect (iii) Not less than 3 or more than 14 days notice for surveying (iv) 14 days notice for taking possession	Not known but mainly by consent	TOWN & COUNTRY PLANNING ACT 1971 S 280 (7), (9) COMPULSORY PURCHASE ACT 1965 S 11
155	Retain	Land to survey re orders to create, divert or close public footpaths	No	7 days notice served on occupier	Not known	HIGHWAYS ACT 1959 S 255
156	Retain	Land or property after notice has been given, to carry out survey and mark boundaries	No	3 days notice of intention to fix any post, object etc	Hundreds daily normally by consent	ORDNANCE SURVEY ACT 1831 S 2
157	Retain	Any land to survey, search, bore or, estimate the value in connection with compulsory acquisition of land by Urban Development Corporations. The Bill when enacted will set up UDCs for London Docklands and Merseyside	No	(i) 14 days notice (ii) Written authority to be produced on request (iii) unoccupied land to be left secured against trespassers	-	LOCAL GOVERNMENT PLANNING (NO 2) BILL CLAUSE 133
158	Retain	Any land within or without the designated new town area to survey or estimate the value in connection with compulsory purchase or, development proposals	No	(i) Written authority stating purpose of entry (ii) 24 hours notice	500 mainly by agreement	NEW TOWNS ACT 1965 S 39 (1), (2)
159	Retain	Any house, building or premises that is the subject of a CPO made under the Housing Act 1957, Sections 12 (1), 29 (1), 43 (3), and 97 (1) into which local public enquiries are being conducted	No	24 hours notice on both owner and occupier	40,000 virtually all by consent	HOUSING ACT 1957 S 159 (c)
160	Discontinue will be repealed by the Local Govt Planning Ward (No 2) Bill	Survey or examine unoccupied office buildings under Pt IV of the Act with a view to compulsory purchase	No	(i) Entry at reasonable times (ii) 7 days notice	None	COMMUNITY LAND ACT 1975 S 35

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
161	Discontinue	Land to survey in connection with the making of an Access Order	No	14 days notice	None - poor to make orders never made	NATIONAL PARKS AND ACCESS TO THE COUNTRY SIDE ACT 1949 § 108 (1)(c)
162	Retain - but possibly delete reference to authorisation by the Minister	Any land to survey to establish scientific interest in connection with acquisition by agreement or by CPO for use as a Nature Reserve	No	(i) 14 days (ii) Only to be used where acquisition of land or an interest therein involved	Not known but all by consent	NATIONAL PARKS AND ACCESS TO THE COUNTRY SIDE ACT 1949 § 108 (a)(a)
163	Discontinue	Land in a National Park to survey in connection with acquisition by the S under S 14 of the Act	No	14 days notice	Doubt if ever used	NATIONAL PARKS AND ACCESS TO THE COUNTRY SIDE ACT 1949 § 108 (a)(a)
164	Retain	Land or buildings where there are, or believed to be, Ancient Monuments to inspect, to carry out research, preservation works or scheduling	No	(i) Occupier's consent to dwelling house (ii) Consent to excavate needed (iii) 24 hours notice for inspections or 14 days if excavation involved for pre-destruction research or other work to be done before acquisition (iv) 7 days notice to prevent decay	25,000 mainly by consent	ANCIENT MONUMENTS & ARCHEOLOGICAL AREAS ACT 1979 § 2 (5), 5, 6, 13 (5) 15 (4), 26 and 43
165	Retain	Premises where live animals are kept to check if premises are suitable or, if animal is still kept there	Yes	(i) Only applies to live specimens licensable under the Act (ii) Direction on keeping the animal at specified premises (iii) Entry at reasonable times (iv) Written authority to be produced on request	Not known	ENDANGERED SPECIES (IMPORT & EXPORT) ACT 1976 § 7 (3)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
166	Retain	Premises to ensure effective control over storage of radioactive materials	No	(i) Power limited to premises where license or unlicensed radioactive material is kept (ii) Where an authorisation for the disposal or accumulation or radioactive waste is in force (iii) There are reasonable grounds for suspecting presence of nuclear materials or waste (iv) Occupier's consent needed (v) JP's warrant if entry refused	3,300 by consent	RADIOACTIVE SUBSTANCES ACT 1960 § 12
167	Discontinue	Land to ascertain if there are grounds to exercise default powers in respect of a local authority's duty to remove abandoned vehicle	No	(i) Written authority (ii) 24 hours notice (iii) Entry at reasonable times	No known	REFUSE DISPOSAL (AMENITY) ACT 1978
168	Retain - S o S has initiated discussions with a view to winding- up the Ironstone Restoration Fund	Land under control of an ironstone operator to inspect accounts or records and to verify claims on the DOE re the Ironstone Restoration Fund	No	24 hours notice for occupied land	None	MINERAL WORKINGS ACT 1951 § 36
169	Retain	Land adjoining waterway to repair, maintain or survey To enter a canal basin or adjoining land	No	(i) Works made under the Act must be necessary (ii) An order requiring a canal to be made watertight must have been served	Not known but all by consent	VARIOUS BUILDING ACTS FROM 1720-1835 Examples are Birmingham Canals Navigation Act 1835 and Manchester-Oldham Canal Act 1790 British Transport Commission Act 1959 § 26

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
170	Retain	Any premises to ascertain if contravention of hosepipe ban	No	<ul style="list-style-type: none"> (i) 24 hours notice unless factory or workplace (ii) Entry at reasonable times (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure 	Millions (all water authority powers of entry 170-194 inclusive)	WATER ACT, 1945 S 16 and 48 (as amended by S 6 Water Act 1948)
171	Retain	Any premises to ascertain if waste misuse, contamination or pollution	No	<ul style="list-style-type: none"> (i) 24 hours notice unless factory or work place (ii) Entry at reasonable times (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure against trespassers 	Millions	WATER ACT 1945 S 19 and 48
172	Retain	Any premises to ascertain if pollution of any spring, well or adit used for public drinking	No	<ul style="list-style-type: none"> (i) 24 hours notice unless factory or workplace (ii) Entry at reasonable times (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure 	Millions	WATER ACT 1954 S 21 and 48
173	Retain	Any premises to ascertain if offence occurred or to execute works to control abstraction of underground water supplies	No	<ul style="list-style-type: none"> (i) 24 hours notice unless factory or workplace (ii) Entry at reasonable times (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure 	Millions	WATER ACT 1945 S 41 and 48

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
174	Retain	Any land on or near which water installations are placed and under which mines are being worked	No	(i) 24 hours notice (ii) Written authority to be produced on request (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be made secure	Millions	WATER ACT 1945 S 62 (3rd Schedule)
175	Retain	Any premises supplied with water to check for waste or	Yes	(i) Can only be exercised between 7.00 am and one hour after sunset (ii) Written authority to be produced on request (iii) JP's warrant if entry refused	Millions	WATER ACT 1945 S 62 (3rd Schedule)
176	Retain	Any premises to inspect meters to ascertain if offence has occurred or need for works or to execute works	No	(i) 24 hours notice (ii) Entry at reasonable time (iii) JP's warrant required if entry is refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure	Millions	WATER ACT 1945 S 82 (3rd Schedule)
177	Retain	Any land to survey	No	(i) Occupier of land has 14 days from notice of application to S of S to make presentations (ii) Entry at reasonable times (iii) Compensation payable for damages (iv) 24 hours notice for works (v) JP's warrant if entry refused	Millions	WATER ACT 1948 S 8
178	Retain	Any premises where service pipe connected to WA's main or drain or sewer connected with a public sewer to: install or remove meters or to inspect fittings or to assess volume of water supplied or effluent discharged	No	(i) 24 hours notice (ii) Entry at reasonable times (iii) JP's warrant if entry refused (iv) Offence to divulge trade secrets (v) Unoccupied premises to be left secure	Millions	WATER ACT 1973 S 32 (3)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
179	Retain	Any land or vessel to perform WA functions or to determine what works are required	No	(i) 7 days notice in writing (ii) Offence to divulge trade secret (iv) Unoccupied premises to be left secure	Millions	WATER RESOURCES ACT 1963 S 111 and 112
180	Retain	Any land or vessel to perform any function conferred on the WA or, to determine how it can be performed	No	(i) 7 days notice of entry to occupied land (ii) JP's warrant if entry refused	Power not in force	CONTROL OF POLLUTION ACT 1974 S 91
181	Retain	Any land covered by a Drought Order to execute works authorised therein	No	(i) 7 days notice (ii) Order must be made by S of S (ii) Compensation may be paid	Not known	DROUGHT ACT 1976 S 1 and 2
182	Retain	Any land or premises to read meters provided in pursuance of the Public Health (Drainage of Trade Premises) Act 1937	No	(i) 24 hours written notice (ii) Warrant from Magistrates in certain circumstances (eg admission refused premises unoccupied)	Millions	PUBLIC HEALTH ACT 1961 S 67
183	Retain	To land or premises to obtain samples of any trade effluent at the point of entry into the public sewer	No	(i) 24 hours written notice (ii) JP's warrant if entry refused	Millions	PUBLIC HEALTH (DRAINAGE OF TRADE PREMISES) ACT 1937 S 10
184	Retain - but limit since exist under more recent legislation	Any house to check for waste, misuse or undue consumption by means of overflow spout, waste pipe or other contrivance	Yes	Entry can only be made between 9 am - 4 pm	Millions	NEW RIVER COMPANY'S ACT 1852 S 29 CHELSEA WATER WORKS ACT 1852 S 55 WEST MIDDLESEX WATERWORKS ACT 1852 S 35 GRAND JUNCTION WATERWORKS ACT 1852 S 42 SOUTHARK AND VAUXHALL WATER ACT 1852 S 49 EAST LONDON WATERWORKS ACT 1853 S 66 and 68 WATERWORKS CLAUSES ACT 1847 S 57

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
185	Retain - but limit since powers exist in more recent legislation	Any premises supplied with water to fix, remove inspect, maintain water measuring meters or apparatus	No	None	Millions	METROPOLITAN WATER BOARD ACT 1927 § 15
186	Retain - but limit since powers exist under more recent legislation	Any premises supplied with water where the pipe, meters or fitting have been damaged wilfully, fraudulently or through negligence to repair such injury	Yes	None	Millions	METROPOLITAN WATER BOARD (VARIOUS POWERS) ACT 1907 § 69
187	Retain - but limit powers exist in more recent legislation	Any premises to execute repairs as thought expedient or necessary if waste of water or risk of injury to person or property likely to be caused	No	24 hours notice	Millions	METROPOLITAN WATER BOARD (VARIOUS POWERS) ACT 1907 § 71
188	Retain - limit powers exist in more recent legislation	Any house, building or land through or into which water is supplied by measure to record, inspect or remove equipment	Yes	Entry must be between 10 am - 4 pm unless otherwise specified by JP or Sheriff	Millions	WATERWORKS CLAUSES ACT 1963 § 15
189	Retain - limit powers exist under more recent legislation	Any house or other premises supplied by Company to inspect, check for waste, diversion or improper appropriation of water	No	Entry must be between 9 am - 2 pm	Millions	RENT ACT 1809 § 57
190	Retain	Take, purchase and use land as specified in the Acts	No	JP's warrant if entry refused	Millions	VARIOUS BRISTOL WATERWORKS COMPANY ACTS BETWEEN 1846 and 1960
191	Retain	Any premises containing equipment through which water is supplied or, where supply other than by default of the company is discontinued for 48 hours to remove equipment and repair any damage caused	No	(i) 48 hours written notice (ii) Entry only between 9 am - 4 pm (iii) JP's warrant if entry refused	Millions	LOWESTOFT WATER & GAS ACT 1931 § 35

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
192	Retain	Any premises to turn off supply or, repair fittings, wilfully, or negligently injured by the occupier	No	(i) 4 hours notice (ii) JP's warrant may be obtained to gain entry	Millions	WATER ACT 1945 S 82 (supplemented by Schedule 2 of of the ESSEX WATER WORKS ORDER 1964)
193	Retain	Any premises where water supplied to remove meters and fittings where supply is discontinued for 48 hours other than by default of the company	No	JP's warrant if entry refused	Millions	SUNDERLAND AND SOUTH SHIELDS WATER ACT 1934 S 34
194	Retain	Any premises where water supplied to remove meters and fittings where supply is discontinued for 48 hours other than by default of the company	No	(i) 48 hours written notice (ii) Entry only between 9 am - 4 pm (iii) JP's warrant if entry refused	Millions	YORK WATERWORKS ACT 1932 S 65

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
195	Retain	L.a. officials to enter land to survey in connection with making an Access Order and estimating compensation (l.a.)	No	14 days notice	Limited use	NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 S 108
196	Retain - but possibly delete reference to authorisation by the Minister	Local authorities may enter any land in connection with requisition as a native reserve - by agreement or compulsorily (l.a.)	No	7 days notice	None	NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 S 108
197	Retain	A person authorised by a local authority may enter land to survey it or estimate its value to pay compensation (l.a.)	No	(i) 24 hours notice (ii) Offence to divulge trade secrets (iii) Compensation for damage caused	Not known	TOWN AND COUNTRY PLANNING ACT 1971 S 280 (6)
198	Retain	A person authorised by a local authority may enter land to ensure compliance with an order to replace trees (l.a.)	No	(i) 24 hours notice (ii) Entry at reasonable times	Not known	TOWN AND COUNTRY PLANNING ACT 1971 S 280
199	Retain	A person authorised by a local authority may enter land to survey trees it is considered should be protected by a Tree Preservation Order (l.a.)	No	(i) 24 hours notice (ii) Entry at reasonable times	Not known	TOWN AND COUNTRY PLANNING ACT 1971 S 280
200	Retain	A local authority may authorise a vet or other competent person to inspect premises where a dangerous wild animal is or is proposed to be held in pursuance of a licence under the Act (l.a.)	No	(i) Entry at reasonable times	Not known	DANGEROUS WILD ANIMALS ACT 1976 S 3
201	Discontinue - identical to that contained in the Town and Country Planning Act 1971 S 280. It will be repealed by the Local Government Planning and Land (No 2) Bill	A person authorised by a local authority may enter any land to survey it or estimate its value in connection with a proposal to acquire land or a claim for compensation in respect of acquisition (l.a.)	No	Entry at reasonable times	Not known	COMMUNITY LAND ACT 1975 Sch 4, para 20

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
202	Retain	Local authorities may enter premises, including vessels to control emissions of smoke, grit, dust and fumes (l.a.)	No	(i) JP's warrant required if entry refused	Not known	PUBLIC HEALTH ACT 1936 S 287 CLEAN AIR ACT 1956 - Sch 3 and CLEAN AIR ACT 1968
203	Retain	Local authorities may enter premises, by agreement, to measure and record emissions (l.a.)	No	(i) Offence to divulge trade secrets (ii) l.a. must consult from time to time interested bodies about power (iii) Entry by agreement only	Not known	CONTROL OF POLLUTION ACT 1974 S 79
204	Retain - but consider withdrawal of right of entry without agreement in respect of air pollution matters	A local authority may authorise a person in writing to enter land, premises or vessels to carry out tests and inspections and remove samples; and require information to control air and noise pollution (l.a.)	No	(i) 7 days notice to enter residential property, or onto any land or vessel with heavy equipment (ii) JP's warrant for forced entry	Not known	CONTROL OF POLLUTION ACT 1974 Ss 91-93
205	Retain	An allotments authority may take possession of land which is not the subject of rateable occupation, without the consent of the owner (l.a.)	No	14 days notice	None known	ALLOTMENTS ACT 1922 S 10
206	Retain	A building control officer may enter any building or site where work subject to building regulations is proposed, under construction or to check completion (l.a.)	No	(i) 24 hours notice except to factory, workshop or workplace (ii) Premises left as found (iii) Offence to divulge trade secret (iv) JP's warrant for entry by force	Millions	PUBLIC HEALTH ACT 1936 S 287
207	Retain	An officer of a local authority may enter caravan sites and land intended for caravan sites (l.a.)	No	(i) 24 hours notice (ii) JP's warrant for entry by force	Not known	CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
208	Retain	A person authorised by a local authority may enter any land to survey it in connection with compulsory purchase (l.a.)	No	(i) 14 days notice (ii) Only exercised in connection with proposed compulsory acquisition of land (iii) Offence to divulge trade secret (iv) Compensation for damage caused (v) Entry at reasonable times	Not known	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) S 15
209	Retain	A local authority may enter and take possession of land which has been specified in a notice to treat served following the confirmation of a compulsory purchase order (l.a.)	No	(i) 14 days notice minimum (ii) Limited to land specified in the notice of entry	Not known	COMPULSORY PURCHASE ACT 1965 S 11 (1)
210	Discontinue	A local authority may enter and take possession of land which is the subject of a confirmed compulsory purchase order, by paying a sum of money to court and giving a bond in advance of agreed compensation (l.a.)	No	None	Not used	COMPULSORY PURCHASE ACT 1965 S 11 (2) and Sch 3
211	Retain	A local authority may enter land which is subject to compulsory purchase to survey, take levels, probe or bore and to set out the line of the works (l.a.)	No	(i) 3-14 days notice (ii) Limited to/and subject of compulsory purchase (iii) Compensation for damage (iv) Sheriff's warrant for entry by force	Not known	COMPULSORY PURCHASE ACT 1965 S 11 (3)
212	Retain	A maritime local authority, ie a DC with a sea shore may enter land to carry out work, to inspect or survey land to ensure compliance with the law or to estimate compensation or value the land (l.a.)	No	(i) 24 hours notice for residential land (ii) JP's warrant required when entry is refused (iii) Must have reasonable grounds for entry	Not known	COAST PROTECTION ACT 1949 S 25
213	Retain	An authorised local authority officer may enter premises, accompanied, to ascertain whether there is or has been any contravention of the law, the need for remedial work and implement work if the owner/occupier fails to do so to safeguard public health (l.a.)	No	(i) 24 hours notice except to factory, workshop or workplace	Not known	PUBLIC HEALTH ACT 1936 S 287

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
214	Retain	An authorised officer of a council may enter premises used as hairdressers and barbers (l.a.)	No	(i) 24 hours notice (ii) Written authority (iii) Entry at reasonable times (iv) JP's warrant for forced entry	Not known	PUBLIC HEALTH ACTS 1936 S 287 and 1961 - S 77
215	Retain	An Inspector who may be accompanied, may survey and examine any house, premises or building as may be necessary to determine their nature, size, condition, value or number of occupants (l.a.)	No	24 hours notice	Not known	HOUSING ACT 1957 S 159
216	Retain	To survey a house, premises, building etc, to ascertain contravention of a notice requiring works to a house in multiple occupation made under the Housing Act 1961, Pt II powers (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 159 as applied by S 23 (b) HA 1961, S 65 (4) HA 1964, and S 61 (5) HA 1969
217	Retain	To survey a house, premises, building, etc to determine whether the area should be declared a General Improvement Area under S 28 of the HA 1969 and so be made subject to their powers in S 32 of the Act; and to survey and value buildings on land that they are authorised to purchase compulsorily under S 32 (l.a.)	No	24 hours notice	Not known	HOUSING ACT 1957 S 159 as applied by HA 1969, Sch 8, para 11
218	Retain	To survey a house, premises, buildings etc, to determine whether the area should be declared a Housing Action Area under S 36 of HA 1974 and so be subject to their powers in S 44 and also to survey and value any buildings on land that they are authorised to purchase compulsorily under S 43 (l.a.)	No	24 hours notice	Not known	HOUSING ACT 1957 - S 159 as applied by S 48, C.A 1974
219	Retain	To survey a house, premises, buildings etc, to determine whether an area should be declared a Priority Neighbourhood under S 52 and powers provided under S 54 of the Act (l.a.)	No	24 hours notice	Not known	HOUSING ACT 1957 - S 159 as applied by S 54 HA 1974
220	Retain	To enter and survey a house etc, to ascertain whether the requirements of an improvement notice have been complied with (l.a.)	No	None	Not known	HOUSING ACT 1957 - as applied by S 97 (1) HA 1974
221	Retain	A local authority may enter any house provided by them to inspect it (l.a.)	Yes	None	Not known	HOUSING ACT 1964 - S 68

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
222	Retain	A local authority authorised by JP may enter premises for survey and examination purposes (l.a.)	No	None	Not known	HOUSING ACT 1964 - S 68
223	Retain	A local authority may enter a house in multiple occupation on which a control order has been made to survey and examine it (l.a.)	No	None	Not known	HOUSING ACT 1964 - S 75
224	Retain	A local authority may enter unfit premises capable of repair at reasonable cost, subject to a notice under S 9 which has not been complied with (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 10 (1)
225	Retain	A local authority may enter unfit premises beyond repair at reasonable cost, in respect of which a demolition order made under S 17 (1) has not been complied with (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 23 (1)
226	Retain	A local authority may enter a house subject to a demolition order to destroy or remove vermin (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 25 (2)
227	Retain	A local authority may take possession of land that the authority have agreed to purchase or appropriate under S 43 (slum clearance) subject to the interest of any tenant in possession (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 62 (1)
228	Retain	A local authority may enter an obstructive building the subject of a demolition order but not complied with (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 74
229	Retain	A local authority may enter and take possession of land that the authority have agreed to purchase or appropriate under Pt V (provision of housing accommodation) subject to the interest of any tenant in possession (l.a.)	No	None	Not known	HOUSING ACT 1957 - S 101 (1)
230	Retain	A local authority may enter a house in multiple occupation that is subject to a notice requiring: repair, maintenance cleansing; or works needed to make the house suitable for the numbers occupying it; or adequate means of escape from fire, and which has not been complied with (l.a.)	No	None	Not known	HOUSING ACT 1961 - S 18 (1) and (2)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
231	Retain	A local authority may enter a house in multiple occupation on which a control order has been made to protect the occupants (l.a.)	No	None	Not known	HOUSING ACT 1964 - S 73 (2)
232	Retain	A local authority may enter a house in multiple occupation on which a control order has been made to carry out works (l.a.)	No	Notice to be given	Not known	HOUSING ACT 1964 - S 75 (5)
233	Retain - but limit so as not to apply to enforcement of market bye-laws under Part III of the 1955 Act	An authorised officer of a council has a right to enter at all reasonable hours any premises and their ancillary areas to ensure no contravention of market bye-laws (l.a.)	No	(i) JP's warrant needed for entry by force (ii) 24 hours notice needed to enter private dwelling	Not known	FOOD AND DRUGS ACT 1955 S 100 (1)
234	Retain	An authorised officer of a local authority may enter places used for public entertainment or the sale of food and drink to ensure adequate sanitary facilities are provided (l.a.)	No	None	Not known	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 S 20 (5)
235	Retain	An authorised local authority officer may enter premises (registered or unregistered) used for the manufacture of or sales/storage of items containing rag flock or other filling materials to ensure cleanliness (l.a.)	Yes	(i) Reasonable grounds for belief before entering unregistered premises (ii) Entry at reasonable times	Not known	RAG FLOCK AND OTHER FILLING MATERIALS ACT 1951 S 13
236	Retain	An authorised local authority officer may enter land containing a reservoir and neighbouring land to carry out surveys, inspections or other necessary operations (l.a.)	No	(i) Must have grounds for suspicion safety measures not taken (ii) 7 days written notice (iii) JP's warrant required for entry by force	None (Act not yet implemented)	RESERVOIRS ACT 1975 - S 7
237	Retain	A local authority may enter premises (tennis) to enforce the Act or bye-laws under the Act (l.a.)	No	(i) 24 hours notice (ii) Entry at reasonable times	Not known	PUBLIC HEALTH ACT 1936 S 287

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
238	Retain	A person authorised in writing by a district or London borough council may enter any land to deal with dangerous trees (l.a.)	No	Written authority to be produced on request	Not known	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - S 25
239	Retain	An authorised officer of a waste disposal authority may enter land forming part of a waste disposal site to carry out works in an emergency (l.a.)	No	Only used in an emergency	Not known	CONTROL OF POLLUTION ACT 1974 S 9 (2)
240	Retain - pending review of desirability of repeal by the Control of Pollution Act 1974	A local authority sanitary inspector (environmental health officers) may enter any premises to remove accumulations of noxious matter (l.a.)	No	(i) 24 hours notice (ii) Only exercised if occupier has failed to comply with the request to remove the accumulation of noxious material	Not known	PUBLIC HEALTH ACT 1936 S 79
241	Retain	A local authority may enter any land in the open air to remove any rubbish in their area (l.a.)	No	(i) 28 days notice (ii) Owner and occupier of land have right of appeal to magistrates court	Not known	PUBLIC HEALTH ACT 1961 - S 34
242	Retain	A local authority may enter land to remove controlled waste deposited without a waste disposal licence or in contravention of its conditions (l.a.)	No	(i) 21 days notice unless there is an emergency (ii) Only exercised after a notice has been served on the occupier which has not been complied with (iii) Occupier can appear to Magistrates court	Not known	CONTROL OF POLLUTION ACT 1974 S 16 (4) (5)
243	Retain	Any person authorised by a local authority may enter land in the open air in furtherance of the authority's functions under the Act - to remove abandoned motor vehicles or other refuse (l.a.)	No	(i) 24 hours notice (ii) Entry at reasonable times	Not known	REFUSE DISPOSAL (AMENITY) ACT 1978 - S 8
244	Retain	A local authority official may enter any premises, to ascertain whether there has been any pollution of water for human consumption. This power is also available to water authorities (l.a.)	No	(i) 24 hours except to factories or workplaces (ii) JP's warrant required when entry is refused	Not known	WATER ACT 1945 - S 21 and 48

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Inspection by DHSS staff of facilities provided by voluntary organisations as 'agents' of local authorities for residential accommodation for elderly, inform and those in need of care	Yes	(i) No notice required (ii) Entry must be at reasonable times (iii) Must produce written authority	Included on entry No 14	NATIONAL ASSISTANCE ACT 1948 S.35(3)(a)
Retain		Inspection of Nurseries and other premises	Yes	(i) Entry must be at reasonable times (ii) JP's Warrant; the officer must produce written authority	Not known	NURSERIES AND CHILD-MINDERS REGULATION ACT 1948 S.7 (as amended)
Retain		Inspection of premises (other than hospitals) where mentally disordered patients are living	Yes	(i) Entry at reasonable times (ii) Must, if asked to do so, produce duty written authority	Not known	MENTAL HEALTH ACT 1959 S.22
Retain		Local authority mental welfare officer to accompany constable with a warrant to search and remove mental patients	Yes	A warrant issued by a justice of the peace - the constable to whom it is addressed must be accompanied by a mental welfare officer and a medical practitioner when executing it	Not known	Mental Health Act 1959 S.135(1) and 135(4)
Retain		Visiting of children awaiting adoption	Yes	Production of duly written authority on request	Not known	ADOPTION ACT 1958 S.38, 39
Retain		Removal of child awaiting adoption from unsuitable surroundings	Yes	To make an order juvenile court has to be satisfied on complaint of a local authority that a protected child is being kept, or is about to be received by any person who is unfit to have his care, or in contravention of any prohibition imposed by the local authority under Section 41 of the Act, or in any premises or any environment, detrimental, or likely to be detrimental to him	Not known	ADOPTION ACT 1958 S.43, 34, 36

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Inspection by warrant of premises where foster child kept	Yes	(i) JP's Warrant (ii) Premises may be entered if need by force, at any reasonable time within 48 hours of the issue of the warrant	Not known	FOSTER CHILDREN ACT 1980 S.13	
Retain - but repeal powers of Customs and Excise officers and coastguards	To enter premises, vessels or aircraft for prevention of danger to public health from infectious diseases	Yes	None	Not known	PUBLIC HEALTH ACT 1936 S.143(4)	
Retain	General power of entry under Public Health Act 1936 illustrated by disinfection etc of premises occupied by persons suffering from notifiable diseases; disposal etc of infected articles	No	(i) JP's warrant for entry by force (ii) 24 hours notice to premises other than business premises except in an emergency	Not known	PUBLIC HEALTH ACT 1936 S.287 PUBLIC HEALTH ACT 1961 HEALTH SERVICES and PUBLIC HEALTH ACT 1968	
Retain	Removal of persons in need of care and attention	Yes	(i) 7 days notice required (ii) Court order for removal	Not known	NATIONAL ASSISTANCE ACT 1948 S.47 as amended by NATIONAL ASSISTANCE (AMENDMENT) ACT 1951	
Retain	Local authority staff inspect for food hygiene and control of food unfit for human consumption	Yes	(i) In the case of private dwellings, 24 hours notice (ii) The officer must, if required, produce some authority (iii) Entry at reasonable times (iv) JP's warrant if necessary	Not known	FOOD & DRUGS ACT 1955 S.100 and 101	

<i>NO</i>	<i>RECOMMEN- DATION</i>	<i>DESCRIPTION OF POWERS OF ENTRY</i>	<i>SURPRISE NEEDED</i>	<i>SAFEGUARDS</i>	<i>NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED</i>	<i>STATUTORY BASIS</i>
	Retain	Removal of child if improper payment is made in connection with adoption	Yes	Order by domestic Court	Not known	ADOPTION ACT 1958 S.50(2)
	Retain	Inspection of premises where child is to live with prospective adopters	No	None	Not known	ADOPTION ACT 1958 S.32 and Third Schedule paras 4 and 6
	Retain	To search for a child who may have been taken in breach of S.34 of the Adoption Act 1958	Yes	Order by the High Court and county courts	Not known	CHILDREN ACT 1975 S.30(3)
	Retain	Inspection by staff of local authorities and voluntary organisations of premises where children are boarded out	Yes		Not known	CHILD CARE ACT 1980 S.22(2)(d) and 61(1)
	Retain	Recovery of children in care who run away	Yes	Search Warrant issued by justice of the peace	Not known	CHILD CARE ACT 1980 A.15(3)
	Retain	Visiting of children in voluntary homes	Yes	Duly written authority to be produced, if asked to do so	Not known	CHILD CARE ACT 1980 S.68
	Retain	Inspection by DHSS staff of children's homes and premises with children boarded out etc	Yes	Written authority to be produced, if asked to do so	Voluntary homes 737 Private 185	CHILD CARE ACT 1980 S.74(1)(b) (c) (d) (e) (f), 75
	Retain	Inspection by DHSS staff of residential homes for old people, disabled and mentally disordered	Yes	(i) Entry at reasonable times (ii) Production of written authority, if asked to do so	Voluntary homes 301 Private 185	RESIDENTIAL HOMES ACT 1980 S.6(1)
	Retain	Inspection by local authority staff of residential accommodation for old disabled and mentally disordered people	Yes	(i) Entry at reasonable times (ii) Production of duly written authority, if asked to do so	Not known	RESIDENTIAL HOMES ACT 1980 S.6(2) NATIONAL ASSISTANCE ACT 1948
	Retain	Visiting of foster children	Yes	Production of written authority if asked to do so	Not known	FOSTER CHILDREN ACT 1980 S.3
	Retain	Removable of foster from unsatisfactory conditions	Yes	Order from juvenile court or JP	Not known	FOSTER CHILDREN ACT 1980 S.12

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		DAISS (and MAFF) staff inspect for food hygiene and control of food unfit for human consumption	Yes	(i) 24 hours' notice (ii) The officer must if required some written authority (iii) Entry at reasonable times (iv) JP's warrant if necessary	None	FOOD AND DRUGS ACT 1955 S.103
Retain		Control of manufacture, supply, sale and import of medicinal products	Yes	(i) 24 hours' notice for entry to private dwellings (ii) The authorised officer must produce his credentials if required (iii) Entry at reasonable times	3,300	MEDICINES ACT 1968, S.108, 111-114
Retain		Inspection of premises being used for nursing of persons suffering from sickness, injury or infirmity; or for reception of pregnant women or women immediately after childbirth; or for nursing/treatment of the mentally disordered	Yes	(i) Entry at reasonable times for nursing and maternity homes (ii) Written authority must be produced on request at mental nursing homes	Not known	NURSING HOMES ACT 1975 S.6(c) 9(i)
Retain		Officer authorised by Secretary of State to inspect premises used, or proposed to be used, as private hospitals	Yes	(i) Inspector must produce written evidence of appointment when asked to do so (ii) Entry at reasonable times	None	HEALTH SERVICES ACT 1976 S.16(4)
Retain		To take possession documents connected with control of medical supplies	Yes	The magistrate must be satisfied on information laid on oath on the Secretary of State's behalf that there are reasonable grounds for suspecting that the documents have not been produced and are on the premises concerned. The power requires that a constable must be present when the premises are entered	Not known	NATIONAL HEALTH SERVICE ACT 1977 S.57 and Schedule 11 para 9

NO	RECOMMEN. DESCRIPTION OF POWERS OF ENTRY DATION	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHERWISE STATED	STATUTORY BASIS
Retain	Prevention and detection of social security abuse	Yes	7 days' notice	1.1 million routine visits	SOCIAL SECURITY ACT 1975 S.144-145 SOCIAL SECURITY (MISCELLANEOUS PROVISIONS) ACT 1977 S.19

1 to be limited

1 to be limited and contain additional safeguards
9 to contain additional safeguards (3 if (a's) agree)

(Leon Brittan, Minister of State)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To inspect premises where experiments on live animals are carried out	Yes	Absolute	1974: ~-84 1975: 5095 1976: 5861 1977: 5442 1978: 6410	CRUELTY TO ANIMALS ACT 1876
	Retain	Sec of State (and Minister for MAFF) may authorise entry on land to kill or take seals to prevent damage to fisheries or obtain information about seals	No	(i) 48 hours' notice for inspection (ii) 28 days' notice for a cull	None	CONSERVATION OF SEALS ACT 1970
	Retain	Enter licensed premises to inspect them, machines, equipment books or documents	No	Entry at reasonable times	1975-9: Casinos: 10362 Bingo: 24435	GAMING ACT 1968: S. 43(2)
	Retain - but introduce notice of entry	Applicant for a licence may be refused if he does not afford reasonable facilities to inspect premises, to ensure suitability	No	Absolute	Casinos: 30 Bingo: 300 Not known for I.a. officials	GAMING ACT 1968: para 20(1)d of Schedule 2
	Retain	Any land, and premises on it, may be inspected to ascertain whether anything ought to be constructed or done for civil defence purposes	No	24 hours' notice of entry	None - power has probably now been used	CIVIL DEFENCE ACT 1948 S.4(3)
	Retain - but require entries to be made at reasonable times	Entry to premises of producer or supplier of controlled drugs and inspection of books, documents and stocks of drugs	Yes	Absolute	2000 pa	MISUSE OF DRUGS ACT 1971 S.23(1)
	Retain - but repeal power as it relates to persons author- ised by the SoS	To enter and inspect a sports ground and examine records of attendance and of safety maintenance	Yes	Entry at reasonable times	1 only in history of Act for SoS officials - not known for I.a. officials	SAFETY OF SPORTS GROUNDS 1975 S.11

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To enter premises (owned but not occupied by the Crown) that are liable to 'designation' under the Act as needing a fire certificate, to ensure that there is a proper standard of fire safety and no excessive risk in case of fire	Yes	(i) Entry at reasonable times (ii) 24 hours notice if a dwelling		FIRE PRECAUTIONS ACT 1971 S.19
	Retain	A person to be removed from the country may be placed on board a ship or aircraft for removal	Yes	Absolute	Innumerable	IMMIGRATION ACT 1971
	Retain	Authority to board ship or aircraft to exercise functions under the Act	Yes	Absolute	Innumerable	IMMIGRATION ACT 1971
	Retain	Search ship or aircraft for persons who may be examined under the Act; and search anything on board or any vehicle taken off	Yes	Absolute	Numerous, No records	IMMIGRATION ACT 1971
	Retain	Inspect records of people staying in hotels and similar premises	Yes	Absolute	Not known	IMMIGRATION (HOTEL RECORDS) ORDER 1972
	Retain	Search ship or aircraft and anything on board or taken off or about to be taken aboard, for purpose of identifying and apprehending terrorists	Yes	Absolute	Power not known to have been used other than by the police	PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1976
	Retain	Board any ship or aircraft for purposes of preventing terrorism	Yes	Absolute	Not known to have been used other than by police	PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1976
	Retain	Place on board a person due for removal under the Act	Yes	Absolute	Not known to have been used other than by police	PREVENTION OF TERRORISM (SUPPLEMENTAL TEMPORARY PROVISIONS) ORDER 1976
	Retain - consider re-quiring a JP's warrant for entry on suspicion	Inspectors appointed by the Pharmaceutical Soc. of GB may enter any registered pharmacy or premises where a breach of the law on Part 1 of the Poisons List is suspected	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause to suspect breach of law to enter other premises	7,000 pa - includes entries under Medicines Act and Misuse of Drugs Act	POISONS ACT 1972 S.9(4)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Prison officers on duty have the powers of a constable. However, the only power of entry they would assume would be to enter premises in immediate pursuit of an escaped prisoner	Yes	Absolute	No records. Power rarely exercised	PRISON ACT 1952, S.8
	Retain - but require reasonable notice to be given	To seek, examine and test broadcast apparatus using a landline system	No	(i) Entry only on (ii) JP's warrant required	None	POST OFFICE ACT 1969 S.91(1)
	Retain	To specified premises, vehicles, vessels, aircraft, to seek examine and test wireless telegraphy apparatus while investigating installation or use of unlicensed W/T station or apparatus, deliberate radio interference, or mischievous broadcasts	Yes	(i) Entry only on (ii) JP's warrant must be obtained	S of S granted 258 authorities. Not all used and not all search warrants executed	WIRELESS TELEGRAPHY ACT 1949 S.15(1)
	Retain	To specified premises, vehicles, vessels and aircraft, to seek examine and test electrical apparatus which may be interfering with station broadcasts	No	(i) Entry only with reasonable suspicion (ii) Access must have been demanded 14 days previously and refused (iii) JP's warrant must be obtained	7,000 dwellings and 700 business premises pa	WIRELESS TELEGRAPHY ACT 1949 S.15(2)
	Retain	To inspect premises, in which animals are trained or exhibited or kept for training or exhibition, and animals kept there	Yes	Entry at reasonable times	Not known	PERFORMING ANIMALS (REGULATION) ACT 1925 S.3
	Retain	To inspect licensed premises and animals found thereon, and anything therein	Yes	Entry at reasonable times	Not known	PET ANIMALS ACT 1951 S.4
	Retain	To inspect licensed animal boarding establishments	Yes	Entry at reasonable times	Not known	ANIMAL BOARDING ESTABLISHMENTS ACT 1963 S.2

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain but power of entry when licence sought to be repealed and JP's warrant to be required for entry on suspicion	Enter and inspect premises believed being kept as riding establishment; or premises that are licensed or for which a licence has been applied for; inspect animals thereon and anything therein	Yes	Entry at reasonable times	Not known	RIDING ESTABLISHMENTS ACTS 1964 and 1970 S.2 of 1964 ACT	
Retain	Inspect licensed premises, any animal thereon and anything therein	Yes	Entry at reasonable times	Not known	BREEDING OF DOGS ACT 1973 S.2	
Retain	To enter a track licensed by the local authority to ascertain compliance with Act	Yes	Entry at all reasonable times	Not known	BETTING GAMING AND LOTTERIES ACT 1963	
Retain	To enter business premises of registered pool promoter enquire into conduct of business	Yes	Entry at all reasonable times	Not known	BETTING GAMING AND LOTTERIES ACT 1963 para 26 of Schedule 2	
Retain	To enter premises in which totalisator is set up to examine and test mechanism and its working, and to check documents	Yes	Entry at all reasonable times	Not known	BETTING GAMING AND LOTTERIES ACT 1963 para 11 (1) of Schedule 5	
Retain but consider introduction of more safeguards with l.a. approval	To enter premises where it is believed a cinematograph exhibition is being, or is about to be, given to ensure compliance with this Act	Yes	(i) Entry at reasonable times (ii) Must have reason to believe film being shown	Not known	CINEMATOGRAPH ACT 1909 S.4	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain - but consider introduction of more safeguards with i.a. approval	To enter unlicensed premises where a play is being performed and inspect them for compliance with requirements of Act	Yes	(i) Entry at reasonable times (ii) Must have reasonable suspicion (iii) Must have JP's warrant (iv) Entry within 14 days of date of warrant	Not known	THEATRES ACT 1968. S.15(1)
	Retain - but consider introduction of more safeguards with i.a. approval	To enter licensed premises to inspect for compliance with licensing conditions	Yes	(i) Entry at reasonable times (ii) Must have reasonable belief play to be performed	Not known	THEATRES ACT 1968 S.15(2) and 15(4)
	Retain	To enter premises to obtain information required for fire- fighting purposes	Yes	(i) Entry at reasonable hours (ii) 24 hours' notice for all premises except factories, work shops, work places (iii) JP's warrant needed for forcible entry	Daily	FIRE SERVICES ACT 1947 S 1(2)
	Retain	Enter premises on fire; or premises that have to be entered to extinguish a fire; or premises needing protection from acts done for fire-fighting purposes	Yes	Fire must have broken out or be believed to have done so	Not known	FIRE SERVICES ACT 1947 S.30(1)
	Retain	To enter premises liable to designation as needing a fire certificate to ensure that there is a proper standard of fire safety and no excessive risk in case of fire	Yes	Entry at reasonable times	Not known	FIRE PRECAUTIONS ACT 1971 S.19
	Retain	To enter premises licensed under the Act, to ascertain observance of adequate fire precautionary measures	Yes	Entry at reasonable times	Not known	GAMING ACT 1968. S. 43(9)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Board any ship or aircraft, to advise immigration officers whether individual passengers should be refused entry to the country on medical grounds	Yes	Absolute	100	IMMIGRATION ACT 1971 para 1(4) of Schedule 2
	Retain - but possibly require a JP's warrant for entry on suspicion	To enter business premises of listed sellers of poisons and premises on suspicion of breach of law concerning Poisons List Part II	Yes	(i) Entry at reasonable times to registered premises (ii) Must have reasonable cause to suspect other premises		POISONS ACT 1972 S.9(6)
	Retain	L.a. officer to enter public buildings to ensure adequacy of escape routes	Yes	(i) Entry at reasonable times (ii) 24 hours notice for premises other than places of work		PUBLIC HEALTH ACT 1936
	Retain - but require a JP's warrant for entry on suspicion	L.a. officers to inspect premises suspected of being unregistered scrap metal yards	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause for suspicion	Not known	SCRAP METAL DEALERS ACT 1946 S.6
	Retain	To enter and inspect shops, to enforce provisions mainly relating to trading hours and assistants' rest periods	Yes	Entry at reasonable times	Not known	SHOPS ACT 1950: SECTION 71, READ IN CONJUNCTION WITH SECTION 146 OF THE FACTORIES ACT 1961
	Retain	To enter and inspect business premises at which young persons are employed, to enforce provisions relating to their working hours and rest periods in certain employments	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause to believe young person employed on the premises	Not known	YOUNG PERSONS (EMPLOYMENT) ACT: SECTION 3, READ IN CON- JUNCTION WITH SECTION 146 OF THE FACTORIES ACT 1961

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		To enter premises where there is an asset on which an Investment Grant has been paid to ensure compliance with conditions of grant	No	(i) Written authority (ii) Entry at reasonable times	50,000 approx	INDUSTRIAL DEVELOPMENT ACT 1966 Part 1 S.8(5)
Retain		To enter premises where there is an asset on which a Redevelopment Grant has been made to ensure compliance with conditions of grant	No	(i) Written authority (ii) Entry at reasonable times))	INDUSTRY ACT 1972 Schedule 1 para 2
Retain		To enter land for the purpose of surveying it in connection with exercise of S of S powers under the Act to acquire land	No	(i) 24 hours' notice (ii) Written authority (iii) Entry at reasonable times	None	LOCAL EMPLOYMENT ACT 1972 S.16(3)
Retain		To enter and survey land not covered by buildings or used as a garden or pleasure ground to ascertain whether suitable for purpose of Post Office's business	No	(i) 28 days' notice (ii) Written authority (iii) Compensation payable for damage caused (iv) Offence to disclose a trade secret	Not known	POST OFFICE ACT 1969 S.57-59
Retain		To enter land or buildings for the purpose of construction or maintenance of any telegraphic line	No	(i) Entry by owner's consent (ii) Any dispute can be referred to a tribunal except in an emergency	Not known	TELEGRAPH (CONSTRUCTION) ACT 1916 S.4
Retain		To enter a telecommunications subscriber's premises to construct, inspect, maintain, alter or remove the installations	No	(i) Entry arranged by appointment (ii) Entry at reasonable times	Not known	POST OFFICE ACT 1969 S.28

INLAND REVENUE

2 powers of entry

Recommendation: Discontinue 0 R n 2

(Peter Rees, Minister of State, Treasury)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY:	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	A Valuation Officer may enter on survey and value any hereditament in his area to survey and value it	(i) 24 hours' notice (ii) Written authority (iii) Entry at reasonable times	6.7 million	GENERAL RATE ACT 1967 S.86		

NORTHERN IRELAND OFFICE

(Giles Shaw, Parliamentary Under Secretary of State)

² 180 powers

Recommendation: Discontinue ⁸ 6 Retain 174 of which 2 to be li ed

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Inspecting schemes carried out with grant aid	No	Entry at reasonable times	140,000	AGRICULTURE ACT (NI) 1949
	Discontinue	Ensuring land is farmed in accordance with rules of good husbandry	Yes	Entry at reasonable times	140,000	AGRICULTURE ACT (NI) 1949
	Retain	Safeguarding supply of food	No	Entry at reasonable times	140,000	AGRICULTURE ACT (NI) 1949
	Retain	Providing advice	No	Entry at reasonable times	140,000	AGRICULTURE ACT (NI) 1949
	Discontinue	To enter premises to inspect, examine and mark any bull or boar	No	None	None	LIVESTOCK BREEDING ACT (NI) 1922
	Discontinue	To enter land or premises to enforce: Pigs Marketing Scheme	Yes	Reason to believe regulated products on premises	None	AGRICULTURAL MARKETING ACT (NI) 1964
	Retain	To enter land or premises to enforce: Milk Marketing Scheme	Yes	Reason to believe regulated products on premises	30,000	AGRICULTURAL MARKETING ACT (NI) 1964
	Discontinue	To enter land or premises to enforce: Seed Potato Marketing Scheme	Yes	Reason to believe regulated products on premises	None	AGRICULTURAL MARKETING ACT (NI) 1964
	Discontinue	To visit employer's premises to examine records etc	No	Absolute	1700-2000 pa 8,500-10,000	SELECTIVE EMPLOYMENT PAYMENTS ACT (NI) 1966
	Discontinue	To enter chemists' premises to inspect dispensing equipment and accommodation and drugs and appliances	No	(i) Entry limited to authorised representative of Control Services Agency who must be a chemist (ii) Limited hours of entry	Not known	HEALTH AND PERSONAL SOCIAL SERVICES (GENERAL MEDICAL AND PHARMACEUTICAL SERVICES) REGULATIONS (N) 1973
	Discontinue	To enter and inspect lying-in homes where a certified or uncertified midwife practises	No	Absolute	Not known	NURSES AND MIDWIVES ACT (NI) 1970 S.39

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain for DHSS but Discontinue for DANI	To enter premises to enforce Act DANI and DHSS officials	Yes	Entry at reasonable times	Not known	FOOD AND DRUGS ACT (NI) 1959 S.43
	Retain	To enter premises to inspect equipment or facility in which grant has been made to ensure conditions of grant being complied with	Yes	Entry at reasonable times	None	FISH INDUSTRY ACT (NI) 1972 S.7(5)
	Retain	To enter poultry stock premises to ensure quality of poultry hatching, breeding and rearing stock	No	Entry at reasonable times	2,500	POULTRY IMPROVEMENT ACT (NI) 1968 S.7
	Retain	To enter to inspect records of person receiving grant under agricultural training scheme to avoid misuse of public funds	No	Entry at reasonable times	90	THE TRAINING OF AGRICULTURAL WORKER'S SCHEME (NI) 1977
	Retain	To inspect records of slaughterings to ensure correct levies paid and records of cold stores to ensure carcasses are frozen correctly	No	Absolute	105 last 5 years	DISEASES OF ANIMALS ACT (NI) 1958 S.38 and CYSTICERCUS BOVIS (COMPENSATION) SCHEME 1966
	Retain	To inspect eggs to ensure that marketing standards are maintained	Yes	Entry at reasonable times	100 last 5 years	MARKETING OF EGGS ECT (NI) 1957
	Retain	To inspect bulk milk tanks in respect of which a grant has been or may be paid in milk producers premises	Yes	Entry at reasonable times	None	BULK MILK TANK (ASSISTANCE) SCHEME (NI) 1979
	Retain	To enter land to survey, value etc in connection with compulsory purchase for purpose of creating employment	No	(i) Written authority from from Corporation (ii) Entry with consent of occupier or after 24 hours' notice (iii) Court of Summary Justice may order entry	None	ENTERPRISE ULSSTER (NI) ORDER 1973
	Retain	To enter premises of egg shipper to ensure validity of payment claims	Yes	Entry at reasonable times	400	MARKETING OF EGGS SEA TRANSPORT SUBVENTION SCHEME (NI) 1973

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To enter land or premises of an egg purchaser or producer to ensure validity of payment claims	Yes	Entry at reasonable times	1,500	EGG (FEED PRICE ALLOWANCE) SCHEME 1973 AS AMENDED
	Retain	Inspection to ensure that meat and pig products exported from NI meet the requirements of the Act	Yes	Entry at reasonable times	Regular inspection	AGRICULTURAL PRODUCE (MEAT REGULATION AND PIG INDUSTRY) ACT (NI) 1962 S.16
	Retain	To enter land or premises used for poultry to inspect records to ensure validity of claim for payment	Yes	Entry at reasonable times	150	POULTRY (FEED PRICE ALLOW- ANCE) SCHEME (NI) 1971 AS AMENDED
	Retain	To enter a pig slaughter house to inspect KW classification of pigs slaughtered	Yes	Absolute	1,700	THE PIGS (CARCASE) CLASSIFICATION SCHEME) ORDER (NI) 1980 MADE UNDER THE AGRICULTURE (MISCELLANEOUS PROVISIONS) (NI) ORDER 1975
	Retain	To enter any catering establishment to inspect food standards	No	(i) Entry at reasonable times (ii) Written authority		DEVELOPMENT OF TOURIST TRAFFIC ACT (NI) 1948 S.23(1)
	Retain	To enter on lands for examination, survey and valuation for the purposes of the Act	No	(i) 24 hours' notice for examination (ii) 6 days' notice for any other purpose	Not known	INDUSTRIES DEVELOPMENT ACT (NI) 1966 S.6
	Retain	To enter land to exercise right of Dept. to work mines or minerals or to grant such rights to licensee	No	(i) Notice of between 3 days and 4 weeks (ii) Consent of owner or occupier of dwelling must be obtained	Impossible to estimate	MINERAL DEVELOPMENT ACT (NI) 1966 S.6
	Retain	To prospect or grant licence authorising persons to prospect and any such activities which aid this	No	Notice of between 3 days and 4 weeks	50-100	MINERAL DEVELOPMENT ACT (NI) 1969 S.11
	Retain	To enter and inspect the works buildings, plant machinery, records and materials of a holder of a prospecting licence	No	Absolute	Not known - rarely used	MINERAL DEVELOPMENT (APPLICATIONS: FEES & MODEL CLAUSES) REGULATION (NI) 1970 CLAUSE 8 SCHEDULE 2

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To enter and inspect the works buildings, plant machinery records and materials of a licensee (holder of a mining licence or mining permission)	No	Absolute	Not known - rarely used	MINERAL DEVELOPMENT (APPLICATIONS: FEES & MODEL CLAUSES) REGULATION (NI) 1970 CLAUSE 10 SCHEDULE 4
	Retain	To enter and inspect the works buildings, plant machinery, records and materials of a holder of a mining lease	No	Absolute	Not known - rarely used	MINERAL DEVELOPMENT (APPLICATIONS: FEES & MODEL CLAUSES) REGULATION (NI) 1970 CLAUSE 11 SCHEDULE 3
	Retain	To check that illnesses and treatment records are kept correctly	No	(i) Notice to be given (ii) Entry at reasonable times	Not known	HEALTH AND PERSONAL SOCIAL SERVICES (GENERAL MEDICAL AND PHARMACEUTICAL SERVICES REGS (NI) 1973 Sch 1 para 13(2)(b)
	Retain	To enter any place except dwelling house to search for explosives or explosive substances held unlawfully and	Yes	Absolute	2,500	EXPLOSIVES ACT 1875 (S.53) AS APPLIED BY SECTION 16 (1) OF THE NI (EMERGENCY PROVISIONS) ACT 1978
	Retain	To survey, value and examine capital improvement works carried out under the Order	No	(i) Consent of owners or 24 hours' notice in writing	None	HORSE AND BETTING (NI) ORDER 1976 S.6
	Retain	(1) Enter land, premises for examination, removal, or destruction of infected plants, crops etc (2) If importer fails to carry out direction officer may enter premises to ensure direction is carried out	No	(1) Absolute (2) Qualified by - only if importer fails to comply with a direction	111 per annum	PLANT HEALTH ACT (NI) 1967
	Retain	Enter land where carnations or cut flowers are grown and examine same for disease and take samples	No	Qualified by - at reasonable hours	Nil	PLANT HEALTH ACT (NI) 1967 3(2)(b) 4(b)
	Retain	(1) As at No 1(1) (2) As at No 1(2)	No	(1) Absolute (2) Qualified by - only if importer fails to comply with a direction	100 per annum	PLANT HEALTH ACT (NI) 1967 3(2)(b)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To inspect potatoes and to take samples for examination	No	At reasonable hours approx 12 annually suspect containers	15,000 annually plus	MARKETING OF POTATOES ACT (NI) 1964 S.8(a)(b) and (c)
	Retain	To inspect horticultural produce and to take samples for examination	No	At reasonable hours	7,000	HORTICULTURE ACT (NI) 1966 [1966 CH 15] 24 (1) (a)(b)(c)
	Retain	Enter land/premises for examination, removal or destruction of produce suspected of infection with	No	Entry only on suspicion on suspicion of an offence	Nil	PLANT HEALTH ACT (NI) 1967 3(2)(b) 4(b)
	Retain	(1) Enter land/premises (2) To examine/remove/destroy infected plants (3) If person fails to comply with direction officer may enter to ensure direction is carried out	No	(1) Entry on suspicion of an offence (2) Only if direction is not carried out	400 1978/79	PLANT HEALTH ACT (NI) 1967 3(2)(b)
	Retain	Examine/remove/destroy infected plants	No	Entry only on suspicion of pests or disease	3,800 per annum	PLANT HEALTH ACT (NI) 1967 3(2)(b) 4(b)
	Retain	(1) Examine/remove/destroy inspected plants and test soil	No	(1) At reasonable hours and (2) Only if direction is not carried out	1,000 per annum	PLANT HEALTH ACT (NI) 1967 3(2)(b) 4(b)
	Retain	Maintain milk standards. To examine equipment, utensils of milk products; manufacturer to examine containers packaging etc and to examine milk products and take samples for examination	No	Entry at reasonable hours	1,250	MARKETING OF MILK PRODUCTS ACT (NI) 1958 S.11 (1) (2) (b and (c)
	Retain	Maintain milk standards. Examine land/buildings, cows, milk, equipment and take samples for inspection	Yes	Entry at reasonable hours	658,500	MILK ACT (NI) 1950 S.8 (1) (a)(b)(c)
	Retain	Protection of Fisheries. Examine weirs, sluices, mill races etc; examine nets, seize unlawful fishing engines etc	No	May not enter enclosed private gardens or the curtilage thereof	On daily basis - difficult to quantify	FOYLE FISHERIES ACT (NI) 1952 S.58 (1)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Protection of Fisheries where breach of provisions of Act is suspected	No	Entry by JP's warrant or at time specified by warrant	None	FOYLE FISHERIES ACT (NI) 1952 S.59 (1)
Retain		Protection of Fisheries Board vessel to examine certificate of registry, fishing engine; seize any unlawful fishing engine etc	No	Applies only to the Foyle Area	12 per annum	FOYLE FISHERIES ACT (NI) 1952 S.60 (1)
Retain		To examine all fish and remove any fish suspected or unlawfully caught. Take or remove any fishing engine liable to forfeiture under Act	No	(i) Foyle Area only (ii) Reasonable hours (iii) Entry only on suspicion of an offence	200 per annum	FOYLE FISHERIES ACT 1952 S. 63(1) (b) (c) (d) (e) (f) (g)
Retain		Examine weirs, sluices, mill races etc, examine nets, all fish and fishing engines and seizure of same	No	May not enter enclosed private gardens or curtilage thereof	On daily basis - difficult to quantify	THE FISHERIES ACT (ND) 1966 S.172 (1)
Retain		Where breach of provisions of Act is suspected	Yes	(i) JP's warrant after sworn complaint in writing (ii) Time as specified by warrant	None	THE FISHERIES ACT (ND) 1966
Retain - but consider withdrawal of powers from HM Customs and Excise and Coastguards		Board vessel to examine certificate of registry and fishing engines - seize any unlawful fishing engine etc	Yes	Entry only within British fishery limits which are adjacent to NI	60	THE FISHERIES ACT (ND) 1966 (REPRINT TO 1969) S.174 (1)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Where it appears that an offence has been committed under the Act. Take persons and boat into custody	Yes	Only within British Fishery Limits which are adjacent to NI	5	FISHERIES ACT (NI) 1966 S.175	
Retain	To stop illegal method of fishing. To examine all fish and remove any fish suspected of being taken unlawfully - Take or remove any fishing engine liable to forfeiture under the Act	Yes	(i) Reasonable hours (ii) Only on suspicion of an offence	Difficult to quantify	FISHERIES ACT (NI) 1966 S.178 (1) (b) (c) (d) (e) and (f)	
Retain	Remove and destroy fish from infected waters. Examine weirs, sluices, mill races etc	Yes	Only applies where 'an infected waters order' is in force	None	DISEASES FO FISH ACT (NI) 1967 EFFECTING S.S.172 and 178 POWER OF FISHERIES ACT (NI) 1966	
Retain	To ensure that EEC hygiene standards are being adhered to in production	No	At reasonable hours	1,200 routine visits (5 times powers used)	EUROPEAN COMMUNITIES POULTRY MEAT (HYGIENE) REGULATIONS (NI) 1977	
Retain	To ensure that accurate statistics are furnished to Department by bacon curers	No	At reasonable hours	Nil	THE BACON CURERS (LICENCES AND RETURNS) REGULATIONS (NI) 1966	
Retain	1 To ensure that licensing and hygiene standards are adhered to. Inspect any process plant, equipment etc. for any animal, meat offals etc and remove same for examination 2 Any building or place where unlicensed slaughtering is suspected	Yes	1 At reasonable hours 2 On suspicion of an offence	5	SLAUGHTER HOUSE ACT (NI) 1953 S.6 (1) (2) and (b) and (2)	
Retain	To enable Inspectors to examine and make samples of consignments of wood	No	Only on grounds of suspicion of disease	12	IMPORTATION OF WOOD (PROHIBITION) ORDER (NI) 1976 S.3 (2) (b) and 4 (b)	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Secure proper observance of the Act	No	(i) At reasonable hours (ii) In case of private dwelling only after reasonable notice has been given	2,000	THE AGRICULTURAL WAGES (REGULATION) NI ORDER 1977 S.11 (2)(b)
Retain		May enter land where destruction of any wildlife, to examine and ascertain whether destruction effectively carried out	No	Grounds for suspicion of disease - excludes rabies	300	DISEASES OF ANIMALS ACT (NI) 1958 ARTICLE 10 as extended by the AGRICULTURE (MISCELLANEOUS PROVISIONS) (NI) ORDER 1977
Retain		Enforcement of Rabies Controls - officers may enter land to destroy foxes and other wild animals	No	Absolute	Nil	DISEASES OF ANIMALS ACT (NI) 1958 ARTICLE 3
Retain		May enter land where it is suspected disease exists or a carcass has been buried or destroyed or the Act has not been complied with	No	Absolute	2,000	DISEASES OF ANIMALS ACT (NI) 1958 ARTICLE 11
Retain		On reasonable grounds for suspicion inspect if disease exists or diseased carcasses have been buried, destroyed etc	No	Absolute	700,000	DISEASES OF ANIMALS ACT (NI) 1958 S.2 (4)
Retain		May enter land, take samples of animals, poultry or feed stuffs	No	Reasonable suspicion of disease	300	DISEASES OF ANIMALS ACT (NI) 1958 ARTICLE 9
Retain		To ensure proper prestlaughter stunning and the licensing of of slaughtermen by the local authority	No	Limited to times when business is in progress	On daily basis - difficult to quantify	SLAUGHTER OF ANIMALS ACT (NI) 1934 S.4
Retain		To ensure proper welfare of animals and poultry packed for conveyance or sale	No	Absolute	5,000	DISEASES OF ANIMALS ACT (NI) 1958 S.41(3)
Retain		To ensure that provisions relating to welfare of animals on agricultural land are being complied with He may also examine livestock and do such tests as he considers appropriate	No	At reasonable hours	2,000	WELFARE OF ANIMALS ACT (NI) 1972 S.5

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To inspect premises and the work carried out therein and to take samples for examination	No	Absolute	220	DISEASES OF ANIMALS ACT (NI) 1958 S.29 (G)	
Retain	To inspect the premises and any animals found therein	No	At reasonable hours	500	WELFARE OF ANIMALS ACT (NI) 1972 S.5	
Retain	To inspect plantations which have been grant-aided: (1) To eradicate vermin (2) To remove vegetation liable to be a fire hazard (3) Right of entry to inspect land	No	(i) Only after notice in writing to owner has not been complied (ii) Ditto (iii) Absolute	No record	FORESTRY ACT (NI) 1933 S.10, 12 and 16	
Retain	To inspect bees and appliances and to remove specimens of bees and samples of honey and appliances for inspection of disease	No	At reasonable hours	12	BEE PEST PREVENTION ACT (NI) 1945 S.5(2) (b), (c) and (d)	
Retain	To ensure that security is adequate to prevent escape of destructive imported animals	No	At reasonable hours	5	DESTRUCTIVE IMPORTED ANIMALS ACT (NI) 1933 S.4	
Retain	To ascertain if there is proper control of artificial reproduction of animals	No	Must have consent or give 24 hours' notice of warrant	Nil	THE ARTIFICIAL REPRODUCTION OF ANIMALS (NI) ORDER 1975 ARTICLE 7	
Retain	To ensure that EEC Marketing Standards are adhered to	No	At reasonable hours	9,000	EUROPEAN COMMUNITIES EGGS (MARKETING STANDARDS) REGULATIONS (NI) 1973 AS AMENDED	
Retain	To carry out tests, examinations etc to control and reduce incidence of disease and to take samples for examination	No	Absolute	35,000	DISEASES OF ANIMALS ACT (NI) 1958 S.2(1)	
Retain	(i) Enter to ascertain if noxious weeds are present (ii) If occupier fails to comply with a notice of instruction an AO may enter land to carry out the instruction of the notice	No	At reasonable hours	160 pa	THE NOXIOUS WEEDS (NI) ORDER 1977 S.6	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Examine any animal feed stuff or substance and make such tests as are necessary, may seize any substances liable to be forfeited	No	(i) At reasonable hours (ii) Must have grounds for suspicion that disease exists	100	DISEASES OF ANIMALS ACT (NI) 1958 SECTION 32E AS EXTENDED BY DISEASES OF ANIMALS (AMEND) ACT (NI) 1966 S.3(1) para 32E	
Retain	To ensure that Safety Standards have been met	No	Must have reason to believe a contravention has occurred	120 pa	LOUGH ERNE (NAVIGATION) BYE-LAWS (NI) 1978 S.7 para 13	
Retain	Drainage work to enable the exercise on any function received by this Order	No	Absolute	150,000	DRAINAGE (NI) ORDER 1973 Part VI S.37	
Retain	To examine and to take samples of seeds and examine and take copies of records	No	(i) At reasonable hours (ii) Excludes private dwellings	400	SEEDS ACT (NI) 1965 S.8	
Retain	May enter and inspect records and documents, and seize or detain any such records	No	(i) At reasonable hours (ii) Consent or 24 hours' notice, or under JP's warrant	200	DISEASES OF ANIMALS ACT (NI) 1958 S.9 (5) (a)	
Retain	To inspect schemes carried out under Grant Aid, to safeguard the supply of food etc, and to provide agricultural advice	No	At reasonable hours	140,000	THE AGRICULTURE ACT (NI) 1949 AS AMENDED BY THE INCREASE IN FINES ACT (NI) 1967 AND THE LAND REGISTRATION ACT (NI) 1970 S.40 AS APPLIED TO SECTIONS 6, 7 and 21	
Retain	For the purpose of inspecting, weighing, marking, or obtaining other information on the products	No	(i) At reasonable hours (ii) Belief of regulated products on the premises or land	30,000	AGRICULTURAL MARKETING ACT (NI) 1964 S.19	

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Inspection		No	(i) Entry at reasonable times (ii) To seize substances, articles or docs, must reasonably believe breach of legislation	2,900 visits	MEDICINES ACT 1968
Retain	Control of waste at sea		No	(i) Must have reasonable suspicion (ii) Private dwellings exempt	None	DUMPING AT SEA ACT 1974
Retain	Control of radioactive waste		No	None	None	RADIOACTIVE SUBSTANCES ACT 1948 S.7
Retain	Control of radioactive waste		No	(i) Must have reasonable suspicion (ii) Consent of occupier except in emergency	1,083	RADIO SUBSTANCES ACT 1960 S.12
Retain	Potator inspection		No	Entry at reasonable times	600 annually	THE POTATOES (PROTECTION OF GUARANTEES) ORDER 1959 UNDER AGRICULTURE ACT 1957 S.9 5 and 6 ELIZ II C57
Retain	Agricultural produce inspection		No	Entry at reasonable times	8,000	STATUTORY INSTRUMENT 1973 No 424 (THE COMMON AGRICULTURAL POLICY PROTECTION OF COMMUNITY ARRANGEMENTS) REGULATIONS 1973
Retain	Inspection for certification purposes		No	(i) Must have grounds for suspicion (ii) Entry at reasonable times	None	THE FAT SHEEP (PROTECTION OF GUARANTEES) ORDER
Retain	Inspection for certification purposes		No		None	AGRICULTURE ACT 1957 S.7

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Animal feeding	No	24 hours' notice to enter dwelling house	315	MEDICINES ACT 1968 S.111
Retain	Animal health	No	None	None	ENDANGERED SPECIES (IMPORT & EXPORT) ACT 1976
Retain	Cattle subsidies	No	None	1,000	EUROPEAN COMMUNITIES ACT 1972 (NON-MARKETING OF MILK AND MILK PRODUCTS AND THE DAIRY HERD CONVERSION PREMIUMS REGS 1977)
Retain	Farm and Horticulture Development Regulations	No	See MAFF	35,000/45,000 (included in MAFF return)	EUROPEAN COMMUNITIES ACT 1972
Retain	Authorisation of grant-approvals	No	None	300	THE AGRICULTURAL & HORTICULTURAL CO-OPERATION SCHEME 1971 SI 1971 No 415
Retain	Control of animal foodstuffs	Yes	(i) Entry at reasonable times (ii) Written evidence	2,000	THE AGRICULTURE ACT 1970 (Part IV)
Retain	Quantity control of packaging goods	Yes	(i) Reasonable cause to believe packages on premises (ii) Entry at reasonable times	Unquantifiable - on daily basis	WEIGHTS & MEASURES ACT 1979
Retain	Inspection of measuring instruments and metrological control	Yes	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable - on daily basis	THE MEASURING INSTRUMENT (EEC REQUIREMENTS REGS 1975 SI 1975 No 1173 AS AMENDED)
Retain	Inspection of bottles to be marked with EEC sign	Yes	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable - on daily basis	THE MEASURING CONTAINER BOTTLES (EEC REQUIREMENTS) REGS 1977 SI 1977 No 932

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Ensure trade description accuracy	No	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	HALLMARKING ACT 1973 C.43
	Retain	To check that unfair trading practices are not carried on	Yes	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	FAIR TRADING ACT 1973 C.41
	Retain	To ensure that there is no false trade description used	Yes	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	TRADE DESCRIPTIONS ACT 1968
	Retain Retain	Check hire-purchase books	No	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	CONSUMER CREDIT ACT 1974 C.39
	Retain	Price comparison	Yes	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	PRICES ACT 1974 C.24
	Retain	Pollution prevention	No	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	CONTROL OF POLLUTION ACT 1974 C.40
	Retain	Fuel control (during emergency)	No	Order in Council must be made	Nil	ENERGY ACT 1976
	Retain	Textiles control	No	(i) Reasonable cause to believe (ii) Entry at reasonable times	Unquantifiable – on daily basis	TRADE DESCRIPTIONS ACT 1968 TEXTILE PRODUCTS (INDICATION OF FIBRE CONTENT) REGS 1973 AS AMENDED BY TEXTILE PRODUCTS (INDICATIONS OF FIBRE CONTENT) AMEND) REGS 1975

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Land transfer	No	(i) Reasonable cause to believe (ii) Entry at all reasonable times	Unquantifiable -- on daily basis	ESTATE AGENTS ACT 1979 C.38
	Discontinue	To enter doctors surgeries to inspect medical records				HEALTH AND PERSONAL SOCIAL SERVICES (GENERAL MEDICAL AND PHARMACEUTICAL SERVICES REGS 1973
	Discontinue	To survey land				NEW UNIVERSITIES (ACQUISITION OF LAND) ACT (NI) 1966 as modified

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	Search premises and remove any documents believed to contravene Act	Yes	On JP's warrant only	None	PREVENTION OF FRAUD (INVESTMENTS) ACT (NI) 1940 S 13 (8)	
Retain	Search premises and take any books or papers not produced under Section 18 of Act	No	On JP's warrant only	None	PROTECTION OF DEPOSITORS ACT (NI) 1964 S 19	
Retain	Search premises and take any books or papers not produced under Section 107 of Act	No	On JP's warrant only	None	COMPANIES (NI) ORDER 1978 (Article 108) S 108	
Retain	Inspect weighing equipment and goods and seize and detain any article, goods or documents	No	If right of entry refused, warrant must be obtained	Unquantifiable on daily basis	WEIGHTS AND MEASURES ACT (NI) 1967 S 28	
Retain	Carry out a Geographical Study and take away strata rock and mineral samples, may also fix post, mark or object on any ground for survey	No	No stone, post, mark or object may be fixed on land without owners	Unquantifiable	MINERALS (MISCELLANEOUS PROVISIONS) ACT (NI) 1959 S 3	
Retain	Inspection of aforesaid land etc, to safeguard public interests	No	At reasonable hours	None	PETROLEUM PRODUCTION (LICENCES) REGS (NI) 1965 SR&O No 147	
Retain	Control gas services safety - read meters, inspect fittings, disconnect supply. check and do any necessary work where gas leak is suspected	Yes	Absolute where safety is concerned otherwise (i) with owner's consent or (ii) 24 hours notice for premises - 6 days for land or (iii) JP's warrant	600,000 pa	GAS (NI) ORDER 1977 S 17 SI 596 (NI7)	
Retain	Survey, service and charges for supply, read meters, inspect fittings and do necessary work where leakage is suspected to be a source of danger	No	Absolute where an emergency is concerned otherwise (i) with owner's consent or (ii) 24 hours notice for premises - 6 days notice for land or (iii) JP's warrant	Unquantifiable - on daily basis	THE ELECTRICITY SUPPLY (NI) ORDER 1972 S 9	

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	Investment check -- to inspect asset for which load was granted	At reasonable hours	600	INDUSTRIAL INVESTMENT (GENERAL ASSISTANCE) ACT (NI) 1966 S 10 (5)		
Retain	To secure and remove property or chattels belonging to Bankrupt	Can only be exercised under a warrant from a Court	200	THE IRISH BANKRUPT & INSOLVENT ACT 1857 BANKRUPTCY (IRELAND) MENDMENT ACT 1872 Nos 33, 65 and 124 (1)		
Retain	Check school absentees to ensure absence is due to illness	Absolute	Not known	THE EDUCATION AND LIBRARIES (NI) ORDER 1972 Schedule 9 Part II Para 5		
Retain	Survey valuation or examination	At reasonable hours	None	THE EDUCATION AND LIBRARIES (NI) ORDER 1972 S 94 (8-13)		
Retain	Survey, valuation or examination	At reasonable hours	None	THE EDUCATION AND LIBRARIES (NI) ORDER 1972 S 95 (3)		
Retain	Protection of factory workers' rights	At reasonable hours	No records held	FACTORIES ACT (NI) 1965 S 146A		
Retain	To ensure that Act is adhered to	At reasonable hours	11,000	WAGES COUNCIL ACT (NI) 1945 S 16 (3) (C)		
Retain	To ensure that proper wages are paid	At reasonable hours	Not known	THE TRUCK ACTS 1831-1896 S 10 of the Truck Act 1896		
Retain	Welfare of office and shop workers	At reasonable hours	1,000 pa	OFFICE & SHOP REPAIRS ACT (NI) 1966 S 52 (1) (2)		

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	NR - It is the duty of each Department concerned to make relevant provisions to carry into effect the Act within its field of responsibility	To ensure that the provisions of the Act are adhered to	No	At reasonable hours	5,000 (DMS)	HEALTH & SAFETY AT WORK (NI) ORDER 1978 S 22
Retain	To examine vehicles for safety standards in compliance with the Act	No	At reasonable hours	5	ROAD TRAFFIC ACT (NI) 1970 S 29 (1)	
Retain	To inspect vehicles tachographs and records	Yes	At reasonable hours	None (new legislation introduced 14/1/80)	PASSENGER AND GOODS VEHICLES (RECORDING EQUIPMENT) REGS (NI) SR No 443 COUNCIL REGULATIONS (EEC) 1963/70 Reg 9 (1) (c)	
Retain	To examine vehicle safety standards in compliance with the Act	Yes	At reasonable hours	30	ROAD TRAFFIC ACT (NI) 1970 S 50 (1)	
Retain	To examine vehicle safety standards in compliance with BR&O	No	At reasonable hours		STATUTORY RULES AND ORDERS (NI) 1965 No 161 Reg 14 (1) (d) (ii)	
Retain	Examine drivers hours of duty records	No	Absolute	2	STATUTORY RULES AND ORDERS 1935 No 22	
Retain	To enable tests and inspections of vehicles or vehicle parts to be made	No	At reasonable hours	None	ROAD TRAFFIC ACT (NI) 1970 By Article 7 of the 1978 order	

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	(1) Enter to perform any function of Water Act and to inspect, survey, take samples or sink bore holes (2) In event of a pollution emergency the Dept may take such steps as necessary to prevent pollution reaching waterways	No	(i) At reasonable hours (ii) If entry refused by JP's warrant (iii) Absolute	70,000	WATER ACT (NI) 1972 S 23 and S 13 (6) 2 Powers of entry	
Retain	To enter for purposes of preparing development plans, exercising planning control functions and any enforcement functions	No	(i) 24 hours notice in writing (ii) Entry at reasonable hours	Many thousands Impossible to quantify	PLANNING (NI) ORDER 1972 S 101 of 1972 Order PLANNING (AMENDMENT) (NI) ORDER 1978 LAND DEVELOPMENT VALUES (COMPENSATION) ACT 1965 S 40 of 1965 Act 8 rights of entry	
Retain	To inspect water and drainage pipes and fittings and to take away for analysis samples of water and sewage	No	(i) At reasonable hours (ii) If heavy equipment to enter land then 7 days notice must be given	30,000 pa	WATER AND SEWERAGE SERVICE (NI) ORDER 1972 S 50 1973 No 70 (NI 2)	
Retain	(1) To inspect vehicles (2) To inspect haulage permits (3) To inspect weights of loads and tariff charges for discrimination	Yes	(i) At reasonable hours (ii) Under warrant if entry is refused	13,000	ROAD TRANSPORT ACT (NI) 1967 S.37 to 42 incl S.1 and 2 INTERNATIONAL ROAD HAULAGE PERMITS ACT 1975 GOODS VEHICLES (INTER- NATIONAL ROAD HAULAGE PERMITS) REGS 1975 S.11975 No 2234 THE CARRIAGE OF GOODS (PROHIBITION OF REGS (NI) 1976 (SR 1976 No 375) para (2) (4) (5) (6) of REG 5	

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	(1) To inspect vehicles (2) To inspect haulage permits (3) To inspect weights of loads and tariff charges for discrimination	Yes	(i) At reasonable hours (ii) Under warrant if entry is refused	13,000	ROAD TRANSPORT ACT (NI) 1967 S.37 to 42 incl S.1 and 2 INTERNATIONAL ROAD HAULAGE PERMITS ACT 1975 GOODS VEHICLES (INTER- NATIONAL ROAD HAULAGE PERMITS) REGS 1975 SI 1975 No 2234 THE CARRIAGE OF GOODS (PROHIBITION OF DISCRIMINATION) REGS (NI) 1976 (SR 1976 No 375) para (2) (4) (5) (6) of Reg 5	
Retain	To check that safety regulations are being complied with and that conditions of licence are being adhered to	No	On suspicion of an offence	CINEMATOGRAPH ACT (NI) 1909 ACT S.4 (3) of the 1959 ACT		
Retain	To take prompt action to extinguish fires	No	Restricted to premises where fire has broken out or is suspected of having broken out	Not known	THE FIRE SERVICES ACT (NI) 1069 S.4 AS AMENDED BY THE FIRE SERVICES ORDER (NI) 1973 Sch 1 Part II	
Retain	To perform repairs to roads etc, to carry out sanitary work etc	No	Must give reasonable notice in writing to owner of land in Road Traffic Act (NI) 1948 - Rest Absolute	Unquantifiable	ROADS ACT (NI) 1948 S.27 S.63 ROAD TRAFFIC ACT (NI) 1955 and 1970 - 107 (1) PRIVATE STREETS ACT (NI) 1964 SPECIAL ROADS ACT (NI) 1963 S.19 and miscellaneous earlier Acts of last century	
Retain	(1) Enter land to survey in connection with a development plan (2) Survey a building for historical interest (3) To ensure demolition would not affect a 'listed building' (4) To survey or value land to be acquired (5) To check if a notice has been complied with	No	(1), (2), (3), (4) and (5) must give 3 days' notice of intended entry	Not known	PLANNING (NI) ORDER 1972 ACTS 101 and 102	

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		To survey, value and examine land	No	Must give 3 days' notice of intended entry	Not known	NEW TOWNS ACT (NI) 1965 S.41
Retain		To enable the carrying out of any provisions of the Act relating to railways	No	Absolute	5	REGULATION OF RAILWAYS ACT 1871
Retain		(1) For the examination of land to be compulsorily purchased (2) To survey land to be compulsorily purchased	No	(i) Absolute (ii) At reasonable hours and on giving 24 hours notice in writing	Not known	THE HOUSING EXECUTIVE ACT (NI) 1971 S.14 THE HOUSING AND LOCAL GOVERN- MENT (MIS PROVS) ACT 1946 HOUSING ACT (NI) 1961 S.43 PUBLIC HEALTH (IRELAND) ACT 1878
Retain		Safety in storage of petroleum-spirit	No	At reasonable hours by day	None	PETROLEUM (CONSOLIDATION) ACT (NI) 1929 S.16
Retain		To examine any process causing noxious or offensive gas, measure quantity of gas discharged into atmosphere and apply tests	No	But not so as to interrupt the process of manufacture	1987	ALKALI & WORKS REGULATION ACT 1906 S.12
Retain		Public Health	No	None	N/A District Councils would require to be consulted	PUBLIC HEALTH ACTS AMEND ACT 1907 S.41
Retain		Public Health	No	None	Not known	PUBLIC HEALTH (IRELAND) ACT 1878 S.114
Retain		Public Health	No	None	Not known	PUBLIC HEALTH (IRELAND) ACT 1878 S.118
Retain		Public Health	No	None	Not known	PUBLIC HEALTH (IRELAND) ACT 1878 S.51

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NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Public Health	No	None	Not known	POLLUTION CONTROL & LOCAL GOVERNMENT (NI) ORDER 1978 ARTICLE 74
	Retain	Public Health	No	None	Not known	MOTOR VEHICLES AND REFUSE (DISPOSAL) ACT (NI) 1969 S.10
	Retain	Public Health	No	None	Not known	CLEAN AIR ACT (NI) 1964 PUBLIC HEALTH (IRELAND) ACT 1878 S.38
	Retain	For survey valuation or examination		(i) At reasonable hours (ii) With consent of occupier	Not known	LOCAL GOVERNMENT ACT (NI) S.98
	Retain	Inspection to control sale of non-medical poisons	Yes	Absolute	1/2 million visits	SOCIAL SECURITY (NI) ACT 1975 S.135
	Retain	Inspection to ensure conditions of Act are being complied with	No	At reasonable hours	2,500 pa	THE PHARMACY (NI) ORDER 1976 ARTICLE 24
	Retain	Inspection to ensure that accommodation and equipment is satisfactory and to check qualifications of staff	No	At reasonable hours	2,800	THE POISONS (NI) ORDER 1976 ARTICLE 16
	Retain	Inspection to ensure that accommodation and equipment is satisfactory and to check qualifications of staff	No	(i) At reasonable hours and with consent (ii) After 24 hours written notice	500	HEALTH & PERSONAL SOCIAL SERVICES (NI) ORDER 1972 ARTICLE 4
	Retain	Inspection to ensure that accommodation and equipment is satisfactory and to check qualifications of staff	No	Absolute	None	THE MENTAL HEALTH ACT (NI) 1961 S.69(2)
	Retain	Inspection to ensure that accommodation and equipment is satisfactory and to check qualifications of staff	No	At reasonable hours	15	NURSING HOMES & NURSING AGENCIES ACT (NI) 1971 S.15
	Retain	Inspection to ensure that accommodation and equipment is satisfactory and to check qualifications of staff	No	At reasonable hours	Unquantifiable (each nursing home annually)	NURSES HOMES & NURSING AGENCIES ACT (NI) 1971 S.7

NORTHERN IRELAND OFFICE

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	Central Services Agency Dental Officer may enter premises to ensure that adequate facilities are being provided	No	At reasonable hours	Not known	HEALTH & PERSONAL SOCIAL SERVICES (GENERAL DENTAL SERVICES) REGULATIONS (NI) 1975 SI Part II para 17(3)	
Retain	H & SS Board Medical Officer may enter premises to ensure that adequate facilities are provided	No	At reasonable hours	Not known	H & PSS (GENERAL MEDICAL & PHARMACEUTICAL SERVICES) REGS (NI) 1973 SI para 13 (i) (f)	
Retain	Central Services Agency authorised officer may enter premises to ensure that proper and sufficient facilities are being provided	No	At reasonable hours	Not known;	H & PSS (GENERAL OPHTHALMIC SERVICES) REGS NI SI para 4(2)	
Retain	To ensure occupier is taking reasonable steps to ensure vermin control	No	Absolute	Not known	THE RATS & MICE (DESTRUCTION) ACT 1919 S.5 (4)	
Retain	For the inspection of materials and taking of samples	No	At reasonable hours and then only on suspicion of an offence	Not known	RAG FLOCK ACT 1911 S.1 (5)	
Retain	To ensure premises are registered and necessary standards of hygiene are maintained	No	At reasonable hours	Not known	HAIRDRESSERS ACT (NI) 1939 S.2 (1) (a)	
Retain	(1) A Health Official may enter any premises to enforce the provisions of the Act (2) ditto - vehicles	No	At reasonable hours	Not known	FOOD & DRUGS ACT (NI) 1958 S.41 & 42	
Retain	To take any action or execute any work in relation to infectious diseases	No	Absolute except for private dwelling where 24 hours' notice in writing must be given	Not known	PUBLIC HEALTH ACT (NI) 1967 S.22	
Retain	To remove a child from foster parents who have become unfit	No	Absolute where fostering is no longer in the child's best interest	Not known	CHILDREN & YOUNG PERSONS (BOARDING-OUT REGS (NI) 1976 REG 15	

NORTHERN IRELAND OFFICE

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To remove a child from any place or person (other than parent) which would be detrimental to the child	No	On making of a court order	Not known	CHILDREN & YOUNG PERSONS ACT (NI) 1968 S.8	
Retain	To ensure that the home is suitable and that the child is being given due care and attention	No	Absolute	Not known	CHILDREN & YOUNG PERSONS (BOARDING-OUT) REGS (NI) 1976 REG 12	
Retain	To examine the premises and the condition and treatment of the children therein	No	Absolute	Not known	CHILDREN & YOUNG PERSONS ACT (NI) 1968 S.168	
Retain	To ensure that the Building Regulations are being upheld	No	3 days' notice in writing is required	Not known	BUILDING REGULATIONS (NI) ORDERS 1972 and 1978 DISTRICT COUNCIL RESPONSIBILITY	
Retain	To survey, examine and value the land	No	With owners consent or 24 hours notice in writing	25	LAND ACQUISITION AND COMPENSATION (NI) ORDER 1973	
Retain	(1) For survey, examination and valuation of land (2) Survey of land (Compensation for acquisition) (3) For purposes of boundary survey (4) To assess value of land for compensation under Land Development Compensation Act (5) To determine whether land should be compulsorily acquired	No	(1) At least 24 hours' notice (2) Not less than 3 and not more than 14 days' notice (3) Absolute (4) 3 days' notice (5) At least 24 hours' notice	Not known	THE RATES (NI) ORDER 1977 ARTICLE 58 (1) THE LAND CLAUSES CONSOL ACT 1845 S.84 THE BOUNDARY SURVEY (IRELAND) ACT 1854 S.4 THE LAND DEVELOPMENT VALUES (COMPENSATION) ACT (NI) 1965 S.40 (1) THE TAXES MANAGEMENT ACT 1970 Ss. 110 and 111 Schedule 8 para 30 sub-para 1A THE CAPITAL GAINS TAX ACT 1979 Schedule 7 para 8 LAND ACQUISITION AND COMPENSATION (NI) ORDER 1973 S.66 (1)	

NORTHERN IRELAND OFFICE

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Ordnance Survey	No	Absolute	Unquantifiable	GEORGE IV REGIS CAP 99 1825 AND SUBSEQUENT LEGISLATION OF WHICH VICTORIA CAP 17 1854 IS THE MOST RELEVANT AND IMPORTANT ACT
	Retain	Inspection of Game licences	No	Absolute	Unquantifiable	MISCELLANEOUS TRANSFERRED EXCISE DUTIES ACT (ND) 1972 S.31
	Retain	Inspection of premises of any person who has care and maintenance of children (including Registered Child-minders)	No	Absolute	Not known	CHILDREN & YOUNG PERSONS ACT (ND) 1968 S.17
	Retain	To ensure proper standards of care for destitute/safety/ accommodation	No	At reasonable hours	230	HEALTH & PERSONAL SOCIAL SERVICES (ND) ORDER 1972 ARTICLE 50
	Retain	Control infectious diseases	Yes	Must have reasonable cause		PUBLIC HEALTH ACT 1936 APPLIED TO NI BY PUBLIC HEALTH (ND) (EXTENSION OF ENACTMENT) ORDER 1939
	Retain	To ensure that standards are maintained	No	Premises must be registered	1 visit per year to each registered place	CRUELTY TO ANIMALS ACT 1876 S.10
	Retain	Inspection	No	Only relates to premises where business of producer or supplier of controlled drugs carried out	2,900 visits	MISUSE OF DRUGS ACT 1971 S.23 (1)

DEPARTMENT OF AGRICULTURE AND FISHERIERS FOR SCOTLAND

SCOTLAND

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Any duly authorised person may enter upon and inspect any land, and inspect any premises, plant equipment or livestock or livestock in respect of which grant has been made or claimed	Yes	(i) Only applies if grant has been claimed or paid under these regulations (ii) Entry at reasonable times	65,000	FARM AND HORTICULTURE DEVELOPMENT REGULATIONS Regulation 7
	Retain	Any person authorised by the S of S may enter on and inspect any land to enable the execution of drainage schemes and the carrying out of maintenance works thereafter. The maintenance provisions still continue.	No	Absolute	None	LAND DRAINAGE (SCOTLAND) ACT 1930 S 4
	Retain	Any person authorised by the S of S may enter on and inspect any land to enable the execution of drainage schemes and the carrying out of maintenance works thereafter. The maintenance provisions still continue	No	Absolute	None	LAND DRAINAGE (SCOTLAND) ACT 1941 S 2
	Retain	Any person authorised by the S of S may enter on, inspect and survey any land in pursuit of the exercise of the S of S's powers to authorise Improvement Orders for the execution of drainage works relating to agricultural land and for subsequent maintenance.	No	(i) Entry at reasonable times (ii) 14 days notice	None	LAND DRAINAGE (SCOTLAND) ACT 1958 S 11
	Retain - power will lapse March 1984	The DAFS Inspectorate may enter on and inspect at all reasonable times land used for hill farming purposes for various purposes including the approval and monitoring of grant-aided schemes for improvement of hill farming land.	No	(i) Entry at reasonable times (ii) 24 hours notice	None	HILL FARMING ACT 1946 S 34
	Retain	Authorised DAFS Inspectors and Officers may require a herd or flock to be gathered together at a convenient place for counting and inspection and may require the production of documents and records. The purpose is to check applications for hill subsidies.	No	Absolute	20,000	THE HILL LIVESTOCK (COMPENSATORY ALLOWANCES) REGULATIONS 1979 SI 1979 No 1748

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	In connection with an application for payment of a premium an authorised officer can enter farm premises to verify and register the total area of land farmed, mark and register the dairy herd, inspect and count cattle or sheep.	No	Absolute	400	NEW MARKETING OF MILK AND MILK PRODUCTS AND DAIRY HERD CONVERSION PREMIUM REGULATIONS 1977 Regulation 4	
Retain	To enter the premises of an applicant for a grant under the Scheme to examine books, records etc and inspect buildings, equipment etc	No	Absolute	100	AGRICULTURAL AND HORTICULTURAL CO-OPERATION SCHEME 1967 UNDER GENERAL PROVISION OF THE AGRICULTURE ACT 1967	
Retain	Authorised officers (in fact officers of MAFF acting on behalf of the S of S for Scotland in dealing with brucellosis and bovine tuberculosis) may enter land or premises in order to inspect animals, apply tests or take samples, for the purpose of eradicating animal diseases.	No	(i) Entry at reasonable times (ii) Authority to be produced on demand	174,000	DISEASES OF ANIMALS ACT 1950	
Retain	Inspectors (in fact officers of MAFF acting on behalf of the S of S for Scotland in dealing with brucellosis or bovine tuberculosis or local authority or police staff) may enter land or buildings where he has reasonable grounds for supposing that there is or has been any failure to comply with the requirements of the Act or Orders made under it	No	(i) Reasonable grounds for suspicion must exist (ii) Reasons for entering to be stated in writing on request	50,000	DISEASES OF ANIMALS ACT 1950 S 73	
Retain	To enter premises in order to enable the investigation of complaints about agricultural wages and otherwise secure the proper observance of the Act.	No	(i) Reasonable notice required to enter dwelling house (ii) Legislation provides that inspector must have a certificate of his employment and must produce it if so required	10,500	THE AGRICULTURAL WAGES (SCOTLAND) ACT 1949 S 12	
Retain	To enter any premises where there is reason to believe any stallion is kept, for the purposes of inspecting, examining and marking any stallion there with a prescribed mark	No	(i) Entry at reasonable times (ii) Must have reason to believe presence of stallion	None	HORSE BREEDING ACT 1958	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	An Inspector (in fact both DAFS and MAFF staff) may enter any premises used for artificial insemination or where he has reasonable grounds for suspecting that an offence under the artificial insemination legislation has been or is being committed.	No	(i) Entry at all reasonable times (ii) Must have reasonable grounds for suspecting an offence	1,700	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1943 § 17	
Retain	For the purpose of ensuring that livestock kept on agricultural land are not being caused unnecessary pain or distress, an Inspector may enter any land or premises where livestock are kept	No	(i) Entry at all reasonable times (ii) Evidence of authority to be produced on demand	1,780	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 § 6	
Retain	For the purpose of assisting compliance of the law to safeguard the welfare of animals in transit an appointed Inspector may enter any land, shed, other building or place, vehicle, vessel or aircraft	No	(i) Must have reasonable grounds for suspicion (ii) Inspector must state in writing reasons for entry	Not known	DISEASES OF ANIMALS ACT 1950 § 73	
Retain	For the surveillance of statutory egg marketing standards authorised officers have a power of entry	Yes	Absolute	4-5,000	EGGS (MARKETING STANDARDS) REGULATION 1973 as amended	
Retain	Local authority officers may enter premises for the surveillance of poultry welfare	No	Absolute	300	SLAUGHTER OF POULTRY ACT 1967	
Retain	Local authority officers may enter premises for the surveillance of poultry meat inspection and hygiene standards	No	Absolute	300	POULTRY MEAT (HYGIENE) (SCOTLAND) REGULATION 1976	
Retain	DAFS staff may enter premises to ascertain standards of hygiene in dairy and ice cream premises	No	Absolute	1,500	MILK AND DAIRIES (SCOTLAND) ACT 1914, § 20 MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1965, Schedule 1, ICE CREAM (SCOTLAND) REGULATIONS 1948	
Retain	DAFS officers may enter premises for the surveillance of animal welfare in slaughterhouses and knackers' yards and for the surveillance of meat inspection and hygiene standards in slaughterhouses	No	Absolute	2,000	AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1972	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain		In order to monitor and check the operation of the Fat Sheep Guarantee Scheme and help prevent fraud, authorised officers may enter upon land used for the production, storage, grading, packing, slaughter or sale of fat sheep	No	Entry at reasonable times	4,000	FAT SHEEP (PROTECTION OF GUARANTEES) ORDER 1976 UNDER THE AGRICULTURE ACT 1957 S 5
Retain		The landlord (including officers of the S of S) or any person authorised by him has the right to enter upon a holding held on landlord tenure for a number of purposes including, mining, quarrying, cutting timber, viewing, the state of the holding and buildings, hunting, fishing etc.	No	Compensation for damage	2,000	CROFTERS HOLDINGS (SCOTLAND) ACT 1886 S 1
Discontinue - as part of a wider repeal exercise embracing the whole machinery for creating small holdings in Scotland		In order to facilitate the constitution of small agricultural holdings in Scotland, any person authorised in writing by the S of S may enter and inspect any land or buildings	No	(i) Notice has to be given (ii) The statutory provision specifies that entry may be made at all reasonable hours on 'any lawful day'		SMALL LANDHOLDERS (SCOTLAND) ACT 1911 S 7
Discontinue - as part of a wider repeal exercise embracing the whole machinery for creating small holdings in Scotland		When an Order for the compulsory acquisition of land has been made under the provisions of the 1919 Act (for the purpose of providing small holding colonies) the S of S may, after giving at least 14 days notice, enter on and take possession of the land. He may also, on 4 days notice, authorise any person to enter and inspect any land for any purpose for which he has power to acquire land	No	(i) 4 days notice of inspection (ii) 14 days notice before possession (iii) Compensation for land must be paid before possession taken	None	LAND SETTLEMENT (SCOTLAND) ACT 1919 S 3 and 8
Retain		Any person authorised by the S of S may enter and inspect any land in order to determine whether and if so in what manner any of the powers conferred on the S of S under the Act should be exercised	No	(i) 24 hours notice (ii) Reasonable times	None	LAND AGRICULTURE (SCOTLAND) ACT 1948

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	The landlord of an agricultural holding or any person authorised by him may enter on the holding for the purpose of viewing the state of the holding, fulfilling the landlord's responsibilities etc. This power is available to the S of S in his capacity as landlord or the leasehold holdings on his land settlement.	No	Entry at reasonable times	14,000	AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1949 S 18	
Retain	The landlord of a croft (including the S of S) to enter upon the croft for the purpose of exercising a number of rights such as mining, quarrying, taking timber or peats, making roads, viewing or examining at reasonable times the state of the croft, fishing, etc	Yes	Absolute	Thousands	CROFTERS (SCOTLAND) ACT 1955	
Retain	Rights of entry to vessels under this Act do not automatically apply but must be adopted in respect of individual harbours by legislation for that purpose. The purposes are to enable the inspection of vessels and cargo so that correct dues can be calculated, to enable vessels to be moved for the proper management of the harbour and to ensure that fire safety precautions are being observed.	Yes	3 days notice to remove a vessel	Not known	THE HARBOURS DOCKS AND PIERS CLAUSES ACTS 1847 S 34, 58, 65, 72	
Retain - unchanged for entry to natural waters but limit powers of entry to fish farms where there are grounds for suspecting the presence of a notifiable disease agent	DAFS inspector may inspect any waters in which fish of the salmon family or freshwater fish or the eggs of such fish or foodstuff for fish are likely to be found and take samples.	No	None	101	DISEASES OF FISH ACT 1937	
Retain	DAFS inspectors, persons appointed by the S of S to exercise powers of water bailiffs and water bailiffs appointed by District Salmon Fishery Boards may enter land for the purpose of examining any dam, fixed engine (a kind of fishing net or trap), obstruction or lade. The purpose is to police the salmon fishery statutes. Dwelling houses are excluded	Yes	Need for a Sheriff's or JP's warrants to enter and	Not known	SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT 1951	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain		In order to assist in the administration and enforcement of the Dumping at Sea Act enforcement officers may enter and inspect land, vehicles, aircraft and hovercraft in the UK, and ships in ports in the UK; and British ships, aircraft, hovercraft and marine structures wherever they may be.	Yes	Absolute	Not known but few	DUMPING AT SEA ACT 1974
Retain		Those who have a need in consequence of official duty or in emergencies to enter a harbour without payment.	Yes	Absolute	Not known	HARBOURS, PIERS AND FERRIES (SCOTLAND) ACT 1937 S 9 (d)
Retain		For the enforcement of fisheries legislation DAFS officers may board fishing vessels and may enter premises used for the treatment, storage or sale of fish.	Yes	Absolute	Daily	SEA FISHERIES ACT 1883 as read with SEA FISHERIES ACT 1968 and the ANGLO NORWEGIAN SEA FISHERIES ACT 1901 SEA FISH (CONSERVATION) ACT SEA FISHERIES ACT 1968
Retain		DAFS officers may enter and inspect land where injurious weeds are growing in order to take such action as is necessary to prevent weeds listed in the Act as injurious from spreading	No	Absolute	284	WEEDS ACT 1959
Retain with alteration		There is a power of entry to land to enable the Red Deer Commission or any person authorised in writing by the Commission to follow and kill deer marauding onto agricultural land; to reduce overall numbers of deer in a particular locality or to carry out a census of the deer population.	Yes	14 days notice of a deer census	250	DEER (SCOTLAND) ACT 1959
Retain		The Red Deer Commission have a power of entry to premises for the inspection of books kept by registered venison dealers to enable them to obtain information about the number of red deer killed in Scotland.	No	Absolute	Not known	SALE OF VENISON (SCOTLAND) ACT 1968
Retain		To enter on and inspect any land, for the purpose of determining whether and if so in what manner any of the powers conferred on the S of S by the Act are to be exercised in relation to the land or whether and if so in what manner any of the powers conferred on the S of S by the Act are to be exercised in relation to the land or whether and if so in what manner any direction given under any such power has been complied with	No	(i) 24 hours notice to residential land (ii) Otherwise entry in a specified period not exceeding 14 days and beginning at least 24 hrs after notice (iii) Entry may be made at all reasonable times	Not known	AGRICULTURE (SCOTLAND) ACT 1948 S 82

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To enter on and inspect any land for the purpose of determining whether and if so in what manner any of the powers conferred on the S of S by this Act are to be exercised in relation to the land, or whether and if so in what manner, any direction given under any such power has been complied with.	No	<ul style="list-style-type: none"> (i) 24 hours notice for entry to residential land (ii) Otherwise entry in a specified period not exceeding 14 days and beginning at least 24 hours after notice (iii) Entry at reasonable time 	None	AGRICULTURAL HOLDINGS (SCOTLAND) ACT 1949 S 89	
Retain	DAFS' land and field officers are authorised to enter crofts in the crofting counties of Scotland for the purpose of reporting on (a) applications by crofters, landlords and other interested parties to the Crofters Commission in regard to the letting assignment, sub-division, bequest, succession and apportionment of Croft land or (b) applications by crofters and others of like status to the Crofters Commission or the Department as the case may be, for land improvement and cropping grants.	No	<ul style="list-style-type: none"> (i) 7 days notice if land residential - 24 hours otherwise (ii) Written authority to be produced on request 	26,000	CROFTERS (SCOTLAND) ACT 1955 S 30	
Retain	In order to secure enforcement of seeds regulations and prevent marketing of sub-standard seed, there is a power to enter premises (including vehicles or vessels) where there is reasonable cause to believe seeds are sold	Yes	Must have reasonable belief seeds being sold	400	PLANT VARIETIES AND SEEDS ACT 1964 S 25	
Retain	DAFS Inspectors may enter any land or elsewhere for the purposes of examination and enquiry (including taking samples), removal, treatment or destruction to prevent the spread of plant pests and diseases in Great Britain or to prevent their introduction into Great Britain.	Yes	Must have reasonable cause to suspect presence of plant pest	Daily	PLANT HEALTH ACT 1967	
Retain	Inspectors appointed by Regional and Islands Authorities have power of entry to control the composition and labelling of feeding stuffs and fertilisers	No	<ul style="list-style-type: none"> (i) Reasonable cause to believe fertilisers or feeding stuffs on premises produced on request (ii) Written authority to be produced on request (iii) Entry restricted to reasonable times 	Not known	AGRICULTURE ACT 1970 S 76 and 83	

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	DAFS and persons employed by them for the purpose may enter land (including buildings and other erections) and take such steps as may be necessary to destroy mammals to which the Act applies and which are to be found on that land and which are not being kept under licence.	No	Must be aware of presence of mammals on land		DESTRUCTIVE IMPORTED ANIMALS ACT 1932 S 5
Retain	DAFS marketing officers may enter any premises to inspect and take samples of regulated produce found on the premises; amend, cancel or affix labels. The purpose is to keep produce of unsatisfactory quality off the market and facilitate trading	Yes	<ul style="list-style-type: none"> (i) Reasonable cause to believe produce on premises (ii) May not enter private dwelling (iii) Entry at reasonable times (iv) Written authority to be produced on request (v) Disclosure of trade secrets an offence (vi) Premises to be left secure (v) JP's or Sheriff's warrant for forced entry 	48,916 inspections of consignments - no entries since 1978	AGRICULTURE & HORTICULTURE ACT 1964 S 13 and 15 as modified by the grading of Horticulture Produce (Amendment) Regulations 1973
Retain	For the prevention of wastage of food DAFS have powers to enter land, including vehicles, vessels and aircraft to ascertain whether statutory requirements have been complied with and to take samples of food	No	<ul style="list-style-type: none"> (i) Written authority to be produced on request (ii) 24 hours notice (iii) Entry restricted to reasonable times 	Not known	PREVENTION OF DAMAGE BY PESTS ACT 1949 S 22
Retain	DAFS Inspectors may enter land (including any buildings) on which mink are kept under licence for the purpose of inspection	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Written authority to be produced on request 	Not known 15-20 pa	MINK (KEEPING) REGULATIONS 1975
Retain	In order to ensure that any action required by occupiers of land to control pests such as rabbits is taken, DAFS Inspectors may enter land and buildings and inspect them.	No	<ul style="list-style-type: none"> (i) 24 hours notice of first visit to ensure compliance with direction (ii) 24 hours notice if land is being used for residential purposes (iii) Entry restricted to reasonable times 	Not known	AGRICULTURE (SCOTLAND) ACT 1948 S 41 and 82; and PESTS ACT 1954 S 1

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	It is an administrative condition imposed on harbour authorities seeking assistance under Section 2 of the Fisheries Act 1955 for the construction improvement or repair of harbours that the Departments Civil Engineers or other officers authorised by the S of S shall be given all necessary facilities at any time to inspect the works, examine the test materials and obtain engineering data on records relative to the works	No	Absolute	None		
Retain	Duly authorised officers of local authorities and ports authorities may enter land (including buildings and vessels) to make inspections for the purpose of surveying the degree of infestation by rats and mice, of enforcing the duties of owners and occupiers and of carrying out control measures	No	(i) 24 hours notice (ii) Entry restricted to reasonable times	Not known	PREVENTION OF DAMAGE BY PESTS ACT 1949 S 22	
Retain - pending replacement of WFA and HIB statutory body	To enter premises or boats connected with herring fishing or herring industry to ensure Herring Industry Board receiving full entitlement to levy	No	(i) Entry at reasonable times (ii) Must have reason to believe boats or premises connected with herring industry		SEA FISH INDUSTRY ACT 1970 S 5 page 23	

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SCOTTISH DEVELOPMENT DEPT

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
	Retain	HM Industrial Pollution Inspectorate for Scotland may enter any premises registered under the provisions of the Alkali etc Works Regulations Act 1906	Yes	(i) Must have reason to believe entry necessary (ii) Reasonable notice given	1500 per annum	HEALTH AND SAFETY AT WORK ACT 1974 § 19 and 20
	Retain	HM Industrial Pollution Inspectorate may enter any premises on which radioactive materials are being used or radioactive waste kept.	Yes	(i) Domestic premises excluded (ii) Reasonable notice given (iii) Reasonable suspicion of presence of radioactive material	600-800 per annum	RADIOACTIVE SUBSTANCES ACT 1960 § 12
	Retain	SDD Historic Buildings Inspectors may enter land or buildings in order to: (a) survey in connection with various functions relating to listed buildings, conservation areas and tree preservation (b) survey buildings in connection with a proposal to include a building in (or exclude it from) the statutory list of buildings of special architectural or historic interest (c) ascertain whether there has been committed an offence involving unauthorised works on listed buildings, failure to comply with a listed building enforcement notice or whether building is being maintained in proper state of repair (d) ascertain whether listed buildings have illegally been damaged, whether works for the preservation of unoccupied buildings or the enforcement of duties as to replacement of trees should be carried out and for carrying out these functions	No	(i) Entry at reasonable times (ii) 24 hours notice to occupied land (iii) Written authorisation	Not known	TIME AND COUNTRY PLANNING (SCOTLAND) ACT 1972 § 265
	Retain	Officers of the S of S or a local authority have power of entry to monuments under the guardianship of S of S or the local authority in order to maintain the monument	Yes	Absolute	Not known	ANCIENT MONUMENTS ACT 1913 § 4
	Retain	Officers of the S of S may enter land which the S of S has reason to believe contains an ancient monument, or that containing a designated monument in order to ascertain whether the monument requires protection.	No	(i) 7 days notice to enter monument believed to be danger (ii) 14 days (iii) Written authorisation	Not known	ANCIENT MONUMENTS ACT 1931 § 9 Expanded by 1953 Act

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	<p>Officers of the S of S (and as appropriate, local authorities may enter land or sites:</p> <p>(a) for investigation as a condition of consent to do works affecting a scheduled monument</p> <p>(b) to undertake remedial works to scheduled monument in urgent need of preservation</p> <p>(c) entry to site to inspect any scheduled monument or works affecting it</p> <p>(d) entry to site of monument in guardianship of S of S to or local authority in order to manage or maintain it</p> <p>(e) entry to land in or under which the S of S believes there to be an ancient monument for recording and excavating purposes</p> <p>(f) entry to land prior to acquisition under the Act or in connection with a compensation claim for survey or valuation purposes</p>	No	<p>(a) 24 hours notice or 14 days if evacuation involved</p> <p>(b) 7 days notice</p> <p>(c) 24 hours notice</p> <p>(d) 24 hours notice or 14 days if excavation involved</p> <p>(e) 24 hours notice</p>	Not known	ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
Retain	<p>Any person authorised in writing by a local authority, may enter any premises for the purposes of:</p> <p>(a) inspecting buildings which are in course of construction or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section 4, or warrants under section 6 of the Act, have been made;</p> <p>(b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in (i) above;</p> <p>(c) inspecting any buildings as to which the local authority have reasonable cause to believe that a change of use is proposed or has taken place (3 days notice required);</p> <p>(d) inspecting any building which the local authority have reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally;</p> <p>(e) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section 11 of the Act (3 days notice required);</p> <p>(f) executing any operations under sections 10, 11 or 13 of the Act (3 days notice required).</p>	No	<p>(i) Entry at reasonable times</p> <p>(ii) Three days notice (c), (e) and (f)</p>	Not known	BUILDING (SCOTLAND) ACT 1959 (as amended)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	Officers of the Highway Authority may enter land for the purpose of: (i) surveying land in connection with the making of a scheme or order under the Act; (ii) carrying out any work in pursuance of a scheme or order under Section 3 of the Act or the removal of any temporary works	No	(i) 24-hours notice to occupied land (ii) A person entering the land has to produce written authority if required to do so	Not known	SPECIAL ROADS ACT 1949 S 11	
Retain	Authorise: employees of consulting engineers, Regional Councils and contractors may enter land for the purpose of: (i) surveying land in connection with the exercise of any statutory functions of the highway authority; (ii) laying and leaving on the land apparatus for the purpose of the survey or removing the apparatus; (iii) searching or boring to ascertain the nature of the subsoil or the presence of minerals for the purposes of the survey (iv) searching or boring to ascertain the nature of any activity taking place beneath the surface of the land which may affect the stability of a highway for the purpose of the survey; (v) taking any action or executing any work authorised or required by the Roads (Scotland) Act 1970.	No	(i) At least 7 days notice (ii) A person has to have written authority and produce it if required to do so	Not known for local authorities 4-5 p a for S O S	ROADS (SCOTLAND) ACT 1970 S 39	
Retain	Officers of the S of S and local highway authorities may enter land in the exercise of their powers and duties of placing, replacing, converting and removing traffic signs.	Yes	Absolute	Not known	ROAD TRAFFIC REGULATION ACT 1967 S 63	
Retain	Any authorised officer of a local authority shall have a right to enter any land or premises for the following purposes: (a) Surveying land or boring or carrying out other works in order to ascertain the suitability of the land for the laying of a sewer or the construction of other works under the Act; (b) Ascertaining whether there is or has been any contravention of the provisions of the Act or of any conditions imposed under it; (c) Ascertaining whether or not circumstances exist which would authorise the authority to take any action or execute any work under the Act;	No	(i) 14 days notice for entry at (a) (ii) 24 hours notice required for (b) - (f) for domestic land (iii) Representation may be made to S of S about entries at (a) (iv) Sheriff's or JP's warrant for forced entry	Not known	SEWERAGE (SCOTLAND) ACT 1968 S 48	

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
	<p>(d) Taking any action or executing any work authorised or required under the Act to be taken or executed by the authority;</p> <p>(e) Inspecting any records and other documents and apparatus which the authority may reasonably require to inspect for the purpose of exercising their functions under the Act; and</p> <p>(f) Taking away for analysis samples of sewage or any other matter or substance which is passing from the premises into local authority's sewage or treatment works.</p>	No	<p>(i) Entry at reasonable times</p> <p>(ii) 14 days</p> <p>(iii) Flood prevention scheme must be confirmed by the S of S</p>	Not known	FLOOD PREVENTION (SCOTLAND) ACT 1961 S 8 and Schedule 1
Retain	Any person authorised by a local authority shall have a right to enter on any land to determine whether any works to prevent or mitigate the flooding of non-agricultural land should be carried out.	No	<p>(i) Sheriff or JP's warrant for urgent entries</p> <p>(ii) When land is in residential use</p> <p>(iii) On leaving unoccupied land it must be left as effectually secured as in the first place</p>	Not known	COAST PROTECTION ACT 1949 S 25 and 27
Retain - The legislation to be reviewed	Any person authorised by a local authority which is a coast protection authority (Regional and Islands Councils in Scotland) shall have a right to enter any land on which a power to carry out work is conferred on the authority, and to enter land to which entry is reasonably necessary to obtain access to such land.	No	24 hours notice needed	Not known	BURGH POLICE (SCOTLAND) ACT 1892 S 243
Lapse - The Act is repealed prospectively at the end of 1982	A local authority shall have a right to enter premises to inspect and, where necessary, make good, any cesspool or reservoir	No	<p>(i) Entry at reasonable times</p> <p>(ii) 14 days notice required</p> <p>(iii) Application to Sheriff in cases of urgency</p>	Not known	AGRICULTURE ACT 1970 S 96
Retain	Any person authorised by a local authority shall have a right to enter on any land to determine whether and if so in what manner, any power conferred on the authority as to flood warning systems should be exercised.	No			

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	A local authority officer may enter at all reasonable times premises registered or licenced under the Act or premises which he has reasonable grounds for believing that materials to which the Act applies are being held for sale, offered or exposed for sales or kept or manufactured. The purpose of the power is to enable local authorities to control the cleanliness of filling materials	Yes	(i) Must have reasonable grounds for entering unregistered premises (ii) Reasonable times	Not known	FLOCK AND OTHER FILLINGS MATERIALS ACT 1951 S 13	
Retain	Any person authorised by the S of S or a local authority shall have a right to enter land for the purpose of ascertaining whether vehicles and other refuse abandoned on land, in the open air, should be removed, and for removing and disposing of the abandoned vehicle or refuse.	No	(i) Entry at reasonable times (ii) 24 hours notice	Not known	REFUSE DISPOSAL (AMENITY) ACT 1978 S 8	
Retain	Authorised officers of Water Authorities or Water Authorities or Water Development Boards have powers of entry for the purpose of: (a) inspecting and examining meters used by the authority or board for measuring water and ascertaining the quantity of water consumed; (b) ascertaining whether there has been contravention of the provisions of the 1946 Act or any byelaws made thereunder; (c) ascertaining whether or not circumstances exist which would authorise the authority or board to take any action or execute any work under the 1946 Act or any byelaws made thereunder; (d) to take any action or execute any work authorised by the 1946 Act or said byelaws.	No	(i) 24 hours notice except for business premises (ii) Written authority (iii) Sheriff may authorise entry by warrant	Not known (a)	WATER (SCOTLAND) ACT 1946 S 72 and Schedule 4	
Retain	An authorised officer of the water authority may enter land at all reasonable hours in order to survey land which the authority propose to acquire for the purposes of their undertaking or their proposed undertaking.	No	(i) If surveying land 24 hours notice needed. If carrying out work 7 days notice (ii) Written authority required to be produced on request	Not known	WATER (SCOTLAND) ACT 1949 S 24	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	An authorised officer of the water authority may enter land for the purpose of exercising any functions of the authority or to determine how they are to be exercised at all reasonable hours	No	(i) Entry at reasonable times (ii) 24 hours notice for entry to residential land (iii) Written authority must be shown if required	Not known	RIVERS (PREVENTION OF POLLUTION (SCOTLAND) ACT 1951	
Retain	In connection with a problem of drought any water authority officer may enter any specified land and occupy and use the land to such extent and such manner as may be requisite for the execution and maintenance of their works.	No	(i) S o S must make order (ii) 7 days notice in writing	Not known	WATER ACT 1958	
Retain	Any local authority officer may enter on any land on which a reservoir is situated in order to: (a) ascertain status of reservoirs; (b) ensure that safety requirements have been complied with; (c) for inspecting the reservoir periodically; (d) to check with any emergency situation	No	7 days notice required	None - Act not in force	RESERVOIRS ACT 1975	
Retain	To enter land or vessels to carry out functions under the Act (which covers waste disposal, water pollution, noise, atmospheric pollution and public health)	No	(i) Written authority to be produced on request (ii) 7 days notice (iii) Entry at reasonable times	Not known	CONTROL OF POLLUTION ACT 1974 S 91	
Retain	(a) To enter land to make surveys in connection with development plans, planning controls, listed building, tree preservation or control of advertisement (b) To ascertain whether offences have been committed in relation to listed buildings or preserved trees (c) To place site notices and determine that they are complied with (d) To value land in connection with a compensation claim or compulsory purchase	No	24 hours notice	Not known	TOWN AND COUNTRY PLANNING ACT (SCOTLAND) ACT 1972 S 265 and 266	

SCOTTISH ECONOMIC PLANNING DEPARTMENT

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	To enter premises to ascertain quantity of electricity supplied, inspect or remove Board's apparatus or to disconnect supply	No	(i) 24 hours notice (ii) Sheriff or JP's warrant if necessary (iii) Entry at reasonable time	Not known	ELECTRIC LIGHTING ACT 1882 S 24	
Discontinue	To enter premises to install meter if requested by consumer	No	None	Not known	ELECTRIC LIGHTING (CLAUSES) ACT 1899 Schedule S 52	
Retain	To enter premises to remove, test, inspect or replace a meter owned by a consumer	No	(i) 24 hours notice (ii) Sheriff or JP's warrant if necessary (iii) Entry at reasonable times	Not known	ELECTRIC LIGHTING (CLAUSES) ACT 1899 Schedule S 54	
Retain	To enter premises to remove, test, inspect or replace a meter owned by the Board	No	(i) 24 hours notice (ii) Sheriff or JP's warrant for entry by force (iii) Entry at reasonable times	Not known	ELECTRIC LIGHTING (CLAUSES) ACT 1899 Schedule S 56	
Retain	To enter premises to replace, repair or alter an existing line	No	(i) Entry at reasonable times (ii) 24 hours notice in writing (iii) Entry only between 9 am and 6 pm	Not known	GAS WORKS CLAUSES ACT 1847 S 7 as incorporated in ELECTRIC LIGHTING ACT 1882 S 12	
Retain	To enter to survey land to assess suitability for Board's functions	No	(i) 28 days notice (ii) Does not apply to land covered by buildings, gardens or pleasure grounds	Not known	ELECTRICITY (SCOTLAND) ACT 1979 S 13	
Retain	To enter land to carry out a construction scheme	No	(i) Scheme must be submitted to S of S - owners have 40 days to object (ii) 28 days notice to enter	Not known	ELECTRICITY (SCOTLAND) ACT 1979 S 1113	
Retain	To inspect and test an installation which appears to be faulty	No	(i) Entry at reasonable times (ii) Access between 9 am to 6 pm only (iii) 24 hours notice	Not known	ELECTRICITY SUPPLY REGULATIONS 1937	

NO	RECOMMEN. DESCRIPTION OF POWERS OF ENTRY DATION	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain - but repeal S of S's power	Person authorised by S of S or Highlands and Islands Development Board to enter land to survey it in connection with any function under Act including purchase	No	(i) 48 hours notice - 7 days land occupied (ii) Written authority to be produced on request (iii) Compensation for damage (iv) Entry at reasonable times	None	HIGHLANDS AND ISLANDS DEVELOPMENT (SCOTLAND) ACT 1965 S 10
Retain - but repeal S of S's power	Person authorised by S of S or Scottish Development Agency may enter land to survey it in connection with statutory land development functions	No	(i) Entry at reasonable times (ii) Offence to disclose trade secret	None	SCOTTISH DEVELOPMENT AGENCY ACT 1975 S 10
Retain	To enter land which Development Corporation propose to purchase compulsorily or otherwise to survey and value it	No	(i) Entry at reasonable times (ii) Written authority to be produced on request	Not known	NEW TOWNS (SCOTLAND) ACT 1968 S 42
Retain	To enter premises to check compliance with conditions attached to payment of grant	Yes	(i) Entry at reasonable times (ii) Written authority to be produced on request	1,700	THE DEVELOPMENT OF TOURISM ACT 1969 Schedule 2.2 (1)
Retain	To inspect a caravan site or a site for which application for a licence has been made	No	(i) 24 hours notice (ii) Entry at reasonable times (iii) Written authority to be produced on request	Not known	CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 S 26 (1)
Retain	To enter premises where sleeping accommodation is provided to ensure prices are displayed	Yes	Entry at reasonable times	Not known	THE TOURISM (SLEEPING ACCOMMODATION PRICE DISPLAY) ORDER 1977

SCOTTISH EDUCATION DEPARTMENT

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	HM Inspectors of Schools to enter independent educational establishments	Yes	None - entries usually in spirit of co-operation	12,000 to schools and post-school establishments	EDUCATION (SCOTLAND) ACT 1962 S 67 EDUCATION (SCOTLAND) ACT 1969 S 11	
Retain	Local authority officers to enter residential establishments and houses where foster children etc are being cared for and places registrable under the Nurseries and Child Minders Regulations and the homes of people registrable under these regulations.	Yes	None	Not known	SOCIAL WORK (SCOTLAND) ACT 1968,	
Retain - but discontinue power to enter premises registrable under Nursery and Child Minders Regulations Ac 1948	Officers of S of S may enter social work residential establishments and houses where foster children etc are cared for, and places registrable under the Nurseries and Child Minders Regulations 1948 and the homes of people registrable under these regulations	Yes	Entry at reasonable times	Not known	SOCIAL WORK (SCOTLAND) ACT 1968 S 6	

SCOTTISH HOME AND HEALTH DEPARTMENT

NO	RECOMMENDATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE SAFEGUARDS NEEDED	POWER OF ENTRY AT REASONABLE TIMES	NO OF ENTRIES UNLESS OTHERWISE STATED	STATUTORY BASIS
Retain - repeal	power of Secretary of State	A person authorised by the local authority, the chief officer of police, the building authority or the S of S may enter a sports ground at any reasonable time to inspect it and make such enquiries as are necessary for the purpose of the Act - eg to assess risks to spectators	Yes	Power of entry at reasonable times	Not known	SAFETY OF SPORTS GROUNDS ACT 1975 S 11
Retain -	legislation to be reviewed	Local authority inspectors have power to enter shops and require the production of documents in order to enforce the provisions of the Act relating to hours of closing and hours of employment of young people in shops	Yes	None	Not known	SHOPS ACT 1950 S 71 (2)
Retain		Firemen on duty are empowered to enter or, if necessary, break into any premises in which a fire is believed to have broken out	Yes	Applies only in case of fire	36,000 (1975)	FIRE SERVICES ACT 1947 S 30 (1)
Retain		Members of fire brigades have the right to enter any premises to obtain information required for fire fighting purposes with respect to the character of the property, available water supplies, means of access etc	No	(i) Reasonable hours (ii) 24 hours notice (iii) Warrant granted from Sheriff or Justice of Peace for forced entry	Numerous	FIRE SERVICES ACT 1947 S 36 (14)
Retain		The purpose of the power is to secure compliance with the Act which requires offices, shops, factories, hotels and boarding houses to have a fire certificate	No	(i) Entry at reasonable times (ii) 24 hours notice	60-70,000 pa	FIRE PRECAUTIONS ACT 1971 S 19
Retain		A person authorised by a designated Minister, local or police authority by whom functions are exercisable under the Act may inspect any land or premises to ascertain whether anything ought to be constructed or done thereon or any use made thereof for civil defence purposes.	No	24 hours notice	None	CIVIL DEFENCE ACT 1948 S 4 (3)
Retain - but	require adequate notice of licensing visit	To inspect premises for which gaming licence sought to ensure suitability	No	None	Not known	GAMING ACT 1968 Schedule 2 para 20 (1) (d)

SCOTTISH HOME AND HEALTH DEPARTMENT

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	A Veterinary officer authorised by a local authority may enter any premises where dangerous wild animals are kept to inspect the premises and any animals therein.	Yes	Entry at reasonable times	Not known	DANGEROUS WILD ANIMALS ACT 1976
Retain	An authorised local authority officer or veterinary officer may enter any breeding establishment for dogs to inspect the premises and any animals therein	Yes	Entry at reasonable times	Not known	BREEDING OF DOGS ACT 1973
Retain - but restrict to premises for which licence has been granted	An authorised local authority officer or veterinary officer may enter any riding establishment to inspect the premises and any animals therein.	Yes	Entry at reasonable times	Not known	RIDING ESTABLISHMENTS ACT 1964
Retain	An authorised local authority officer or veterinary officer may enter any pet shop to inspect the premises and any animals therein.	Yes	Entry at reasonable times	Not known	PER ANIMALS ACT 1951
Retain	An authorised local authority officer or veterinary officer may enter boarding establishments for animals to inspect the premises and any animals therein.	Yes	Entry at reasonable times	Not known	ANIMAL BOARD ESTABLISHMENTS ACT 1963
Retain	An authorised local authority officer may enter any premises where performing animals are trained or exhibited to inspect the premises and any animals therein	Yes	Entry at reasonable times	Not known	PERFORMING ANIMALS (REGULATION) ACT 1925
Retain	Any registered nurse or other officer duly authorised by the licensing authority (Health Board) may at all reasonable times inspect premises which he has reasonable cause to believe are used for the purpose of or in connection with an agency for the supply of nurses	No	(i) Entry at reasonable times (ii) Must have reasonable cause to believe premises are nurses agency	Not known	NURSES (SCOTLAND) ACT 1951 § 29
Lapse - will be repealed by the Nurses, Midwives and Health Visitors Act 1979	Any person appointed by a local supervising authority (Health Board) to exercise supervision over certified midwives within their area may enter any premises within such area which he has reason to believe to be a lying-in home conducted for profit and in which he has reason to believe that a certified midwife is employed or practices or that a woman who is not a certified midwife practices in contravention of the Act	No	(i) Entry at reasonable times (ii) Must have reasonable suspicion	Not known	MIDWIVES (SCOTLAND) Act 1952 ACT 1952 § 20

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	Inspectors from the Pharmaceutical Society of Great Britain may enter, during shop open hours only, to select and take away for examination a prescription which has been dispensed to maintain professional standards of dispensing	Yes	(i) Only applies to contracted to NHS (ii) Entry only during shop hours	800 per annum	NATIONAL HEALTH SERVICE (GENERAL, MEDICAL AND PHARMACEUTICAL SERVICES) (SCOTLAND) REGULATIONS 1974
Retain - but repeal power for Regional Medical and Dental Offices	A constable or other person authorised by the S of S has the power to enter the premises of a person carrying on a business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in such drugs and to inspect any stocks of any such drugs.	No	JP's warrant for forced entry	Not known	MISUSE OF DRUGS ACT 1971 § 23
Retain	An appointed Inspector of DHSS and MAFF can at any reasonable time enter any premises occupied by an applicant for a licence or certificate relating to medicinal products for the purpose of verifying any statement contained in the application. Any person duly authorised by an enforcement authority (ie Regional and Islands Councils and the Pharmaceutical Society of Great Britain) can also at any reasonable time enter any premises for the purpose of ascertaining whether there is or has been any contravention of the provisions of the Act or any regulations made thereunder.	Yes	(i) Entry at reasonable times (ii) 24 hours notice to private dwelling (iii) JP's warrant for forced entry	Not known	MEDICINES ACT 1968 § 109, 111, 112, 113 114
Retain	An authorised local authority officer may enter any cinema to inspect the premises	No	(i) Reasonable times (ii) The authorised officer must produce his credentials if required	Not known	CINEMATOGRAPH ACT 1909
Retain	An authorised local authority officer may enter any theatre to inspect the premises	Yes	Entry at reasonable times	Not known	THEATRES ACT 1968
Retain	A designated medical officer has a right to enter any premises within his area at all reasonable hours where he has reason to believe that infectious disease exists or has recently existed in the premises		(i) Written authority to be produced on request (ii) Sheriff warrant for forced entry	Not known	HEALTH SERVICES AND PUBLIC HEALTH ACT 1968 § 73

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER - WISE STATED	STATUTORY BASIS
Retain	A medical officer, qualified nurse or other officer nominated by the Health Board may enter and inspect any premises which are used or which the officer has reasonable cause to believe to be used, for the purposes of a nursing home	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause to believe premises used as a nursing home	Not known	NURSING HOMES REGISTRATION (SCOTLAND) ACT 1938 S 5	
Retain	An official of a local authority may enter premises by day for the purpose of cleansing and disinfecting any premises certified by the designated medical officer to be in need of cleansing and disinfecting to prevent the spread of infectious disease	No	(i) Notice served (ii) Powers are limited in so far as a warning is issued and occupier is given an opportunity to take action (iii) Sheriff's warrant for entry by force	Not known	PUBLIC HEALTH (SCOTLAND) ACT 1897 S 47	
Retain	Medical Health Officers and Medical Commissioners (of the Mental Welfare Commission) may demand admission to any place in which they have reasonable cause to believe that a person suffering from mental disorder has been or is being ill-treated or neglected, or is living alone or uncared for, and, if admission is not refused, to enter and inspect that place	Yes	(i) Entry at reasonable times (ii) Must have reasonable suspicion (iii) If admission is refused an officer or commissioner may apply to a JP to issue a warrant so they may enter	Not known	MENTAL HEALTH (SCOTLAND) ACT 1960 S 103	
Retain	Any authorised officer of a local authority may enter food premises for the purpose of ascertaining whether there is or has been any contravention of the Act or any regulations made thereunder and also for the purpose of carrying out the local authority functions under the Act.		(i) 24 hours notice to private dwelling (ii) Reasonable times (iii) The officer must, if required, produce some duly authenticated document showing his authority (iv) JP's warrant for entry by force	Not known	FOOD AND DRUGS (SCOTLAND) ACT 1956 S 36	
Retain - but require a Sheriff's warrant to be issued for entry 'on suspicion'	An Inspector appointed by the Pharmaceutical Society may enter any registered pharmacy in order to secure compliance with this Act and Part 1 of the Poisons List by pharmacists and others. A local authority inspector may secure compliance with this Act and the Poisons Rules as they relate to substances on Part II of the Poisons List	Yes	(i) Entry at reasonable times (ii) Must have reasonable cause to suspect breach of law (iii) JP's warrant for forced entry	Not known	POISONS ACT 1972 S 9	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To enter premises where nuisance suspected	No	(i) Must have grounds for suspicion (ii) Entry only between 9 am and 6 pm	Not known	PUBLIC HEALTH (SCOTLAND) ACT 1897 § 18	

EXCEPT HEADING AND PAGE NUMBER

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POSITION FOR HEADING

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
1	Retain	To inspect a UK ship or foreign ship in a UK port and its equipment and if necessary order it into dock for a survey. Also to inspect ship's provisions	Yes	(i) Entry at reasonable time (ii) May not unnecessarily detain ship (iii) Must have reasonable grounds for believing provisions breach regs.	132,110	MERCHANT SHIPPING ACT 1970 S 76
	Retain	To enter and inspect any UK ship or ship in UK port to ensure compliance with Merchant Shipping Act, to investigate major casualties	Yes	(i) Entry at reasonable time (ii) Must have reasonable cause for believing dangerous situation exists	400 approx	MERCHANT SHIPPING ACT 1979 S 27
	Retain	To detain a ship and survey it to see if it is sea-worthy	Yes	Department liable for costs if detention is unreasonable	120 approx	MERCHANT SHIPPING ACT 1894 S 459 (6) and (7) and S 462
	Discontinue	To survey a ship alleged to be unseaworthy of having insufficient accommodation by a seaman on desertion charge	No	(i) Only comes into effect if 1/4 of crew or if their number exceeds 20, 5 seamen (ii) If justified master pays costs, if not, the seaman	Not known	MERCHANT SHIPPING ACT 1894 S 463
	Retain	To enable appointed person to enter ship or premises to obtain evidence for enquiry about incompetency	No	S o S must have reason to believe officers incompetent	Not known	MERCHANT SHIPPING ACT 1894 S 471
	Retain - legislation under review	To enter ship and inspect it to see if an appeal against detention is justified	No	Notice must be given	None	MERCHANT SHIPPING ACT 1894 S 488
	Retain - legislation under review	To enter a ship which has been in distress to examine crew on oath about the circumstances and what happened to cargo or stores	No	None	None	MERCHANT SHIPPING ACT 1894 S 517
	Retain	To enter ship and hold an enquiry into the cause of a death on a UK registered ship	No	Inquiries cannot be held where coroners inquests are held	1750	MERCHANT SHIPPING ACT 1970 S 61

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	To enter premises, UK registered ship or other ship in UK waters if he has reason to believe it necessary for performing his functions as an inspector	Yes	Entry at reasonable times or if in the opinion of the inspector the situation is dangerous	8,638	PREVENTION OF OIL POLLUTION ACT 1971 S 18 and 21 MERCHANT SHIPPING ACT 1979 S 27 and 28 (1) (3), (4)
	Retain - legislation under review	All people may pass over adjoining lands to rescue shipwrecked people and save cargo	No	Compensation for damage	Not known	MERCHANT SHIPPING ACT 1894 S 513
	Retain - legislation under review	To board a ship and detain it (ie the Receiver of Wrecks) where salvage is due to a person	No	(i) Only exercised in a dispute to salvage (ii) property may be released if security given	None known	MERCHANT SHIPPING ACT 1894 S 552
	Retain	To board and remove a red ensign or other flag from a ship which is not entitled to it	Yes	Only available to commissioned Officers, Customs Officers and any British Consular Officer	None known	MERCHANT SHIPPING ACT 1894 S 73
	Retain	To enter any place where fire or light is burnt or exhibited which may be mistaken for a lighthouse, and extinguish it	No	Only comes into force 7 days after owner has had notice served on him to extinguish the light	None	MERCHANT SHIPPING ACT 1894 S 667
	Retain	To enter ship where casualty has occurred to ascertain whether a Formal Investigation is necessary	No	None	320	MERCHANT SHIPPING ACT 1894 S 465, to be replaced by MERCHANT SHIPPING ACT 1970 S 55
	Retain - legislation under review	To enter any premises or vessel and search for, seize and any wreck including flotsam, jetsam etc improperly held	Yes	(i) JP's warrant required (ii) Receiver must suspect or have information wreck secreted	None known	MERCHANT SHIPPING ACT 1894 S 537
	Retain	To enter and survey any land or premises on which a Compulsory Purchase Order has been made or is being considered	No	8 days notice	None known	CIVIL AVIATION ACT 1949 S 29 AIRPORTS AUTHORITY ACT 1975 Schedule 3

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To inspect aircraft to ensure compliance with Act to prevent acts of terrorism	Yes	Written authority to be produced on request	None	PROTECTION OF AIRCRAFT ACT 1973 S 17
Retain	To enter any hoverport or place where a hovercraft is	No	Entry at all reasonable times	300 approx	HOVERCRAFT (GENERAL ORDER) 1972 Article 25
Retain	To enter aerodromes or factory to inspect any part or material for use in manufacture of aircraft	No	None	Not known	AIR NAVIGATION ORDER 1972 Art 17
Retain	To enter any aerodrome to inspect aircraft	Yes	None	1	AIR NAVIGATION ORDER 1976 Art 80
Retain	To enter any aerodrome or place where an aircraft has landed to inspect it and the aircraft or any document the CAA has power to demand, or to detain the aircraft	No	Entries at reasonable times	Not known	AIR NAVIGATION ORDER 1976 Art 81
Retain	To enter premises where hovercraft being designed, constructed, maintained or stored to inspect hovercraft or its equipment	No	Entries at reasonable times	Not known	HOVERCRAFT (GENERAL ORDER) 1976 Art 16
Retain	To have access to and examine any aircraft involved in an accident and place where the accident occurred	No	None	200-250	(i) CIVIL AVIATION (INVESTIGATION OF ACCIDENTS) REGULATIONS 1969 (ii) AIR NAVIGATION (INVESTIGATION OF COMBINED MILITARY AND CIVIL AIR ACCIDENTS) REGULATIONS 1969
Retain	To enter premises given a grant under the Act to ensure that conditions attached to grant are being met	No	(i) Written authority (ii) Entry at reasonable times	1,000 pa	DEVELOPMENT OF TOURISM ACT 1969 S 2 (1) Sch 2
Retain	To enter and inspect any establishment providing sleeping accommodation to ensure prices displayed	Yes	(i) Written authority to be produced on request (ii) Entry at reasonable times	Not known	TOURISM (SLEEPING ACCOMMODATION PRICE DISPLAY) ORDER 1977 S 5 (1)
Retain - as long as order made under Films Bill to suspend quota	To inspect records of films exhibited at cinemas in order to establish whether prescribed quota of British or Community films shown	No	None	11	FILMS ACT 1960 S 30 (5)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain - but consider removing link with S 36 (2)	To enter premises to search and take possession of company books required under 5109 of Companies Act 1967 or S 36 (2) of Insurance Companies Act 1974	Yes	(i) JP's warrant required - JP must be satisfied reasonable grounds for suspecting relevant books and papers on the premises	1	COMPANIES ACT 1967 S 110
	Retain	To enter premises and seize relevant documents	Yes	(i) JP's warrant required - JP must be satisfied circulars relating to investments which contravene S 14 on premises	None	PREVENTION OF FRAUD INVESTMENTS) ACT 1958 S 14 (8)
	Retain	To enter any premises and search for and seize documents in connection with hire purchase and credit sales		(i) Warrant needed (ii) Reasonable grounds for suspicion (iii) Seized documents must be returned within 3 months or at end of any proceedings	22,000 visits (no entries)	EMERGENCY LAWS (RE-ENACTMENTS & REPEALS) ACT 1964 Sch 1 Para 2
	Retain	To enter any premises and inspect goods and to require production of books or documents and take copies	Yes	(i) Written authority (ii) Entry at reasonable hours (iii) Dwellings excluded (iv) Reasonable suspicion of offence to require production of books or seize or detain goods or documents	Not known	TRADE DESCRIPTIONS ACT 1968 S 28 (1) (a), (b) (c) (d), (e)
	Retain	To enter any premises where relevant goods or documents may be found, by force if necessary	Yes	(i) Warrant needed (ii) Must suspect an offence has been committed	Not known	TRADE DESCRIPTIONS ACT 1968 S 28 (3)
	Retain	To enter any premises to enforce the Act	Yes	(i) Written authority (ii) Entry at reasonable times (iii) Dwellings excluded (iv) Reasonable suspicion to require production of books etc (v) JP's warrant for forced entry	Not known	HALL MARKING ACT 1973 S 9

NO RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To enter any premises for enforce the Act	Yes	<ul style="list-style-type: none"> (i) Written authority (ii) Entry at reasonable times (iii) Dwellings excluded (iv) Reasonable suspicion to require production of books etc (v) JP's warrant for forced entry 	Not known	FAIR TRADING ACT 1973 S 29 (1) (a), (b), (c), (d), (e), (3)
Retain	To enter any premises to inspect goods and documents to the Act	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Dwellings excluded (iii) Reasonable suspicion to copy or detain documents etc (iv) JP's warrant for forced entry 	Not known	CONSUMER CREDIT ACT 1974 S 162 (a), (b), (c), (d), (e), (3)
Retain	To enter any premises to inspect documents etc to enforce the Act	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable hours (ii) Reasonable suspicion (iii) Dwellings excluded (iv) JP's warrant for forced entry 	Not known	ESTATE AGENTS ACT 1979 S 11 (1) (a), (b), (c), (d), (4)
Retain - but will lapse as outstanding cases settled	To enter any premises to inspect goods to ascertain whether food subsidy money has been properly paid	Yes	Entry at reasonable hours	6,000 (1974-77) period	PRICES ACT 1974 para 3 (1) of the Schedule
Retain	To enter any premises to enforce price regulation and price marking orders	Yes	<ul style="list-style-type: none"> (i) Written authority (ii) Entry at reasonable hours (iii) Dwellings excluded (iv) Reasonable suspicion to seize documents 	Not known	PRICES ACT 1974 Para 9 (1) of Schedule
Retain	To inspect weighing or measuring equipment and goods to which Act or Orders made under the Act apply	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Must have reasonable cause to believe relevant goods or equipment on premises (iii) JP's warrant required valid one month for entry by force (iv) Premises to be left as found (v) Dwellings excluded (vi) Written authority to be produced on request 	Not known	WEIGHTS AND MEASURES ACT 1963 S 48

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To inspect any instruments covered by the Regulations	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Reasonable cause to believe instrument on premises (iii) Written authority to be produced on request (iv) JP's warrant for entry by force (v) Premises to be left as found (vi) Dwellings excluded 	Not known	EUROPEAN COMMUNITIES ACT 1972 S 2(2) (THE MEASURING INSTRUMENTS (EEC REQUIREMENTS) REGULATIONS 1975)	
Retain	<ul style="list-style-type: none"> (i) To ascertain if an offence has been committed in respect of measuring container bottles (ii) S of S has default power of entry if local authority fails to comply with obligations 	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Reasonable cause to believe measuring container bottles on premises (iii) Written authority to be produced on request (iv) Dwellings excluded (v) JP's warrant for entry by force (vi) Premises to be left as found 	Not known	(i) EUROPEAN COMMUNITIES ACT 1972 S 2 (2) (THE MEASURING CONTAINER BOTTLES (EEC REQUIREMENTS) REGULATIONS 1977 (ii) WEIGHTS AND MEASURES ACT ACT 1979 S 8 (3)	
Retain	To inspect prepackages of wine or grape must and any equipment used in making then up	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Reasonable causes to believe packages being made up on request (iii) JP's warrant for entry by force (iv) Dwellings excluded (v) JP's warrant for entry by force (vi) Premises to be left as found 	Not known	EUROPEAN COMMUNITIES ACT 1972 S 2 (2) THE PREPACKAGING AND LABELLING OF WINE AND GRAPE MUST (EEC REQUIREMENTS) REGULATIONS 1978	
Retain	<ul style="list-style-type: none"> (i) To test packaged goods and the equipment used in making up packages (ii) Default power of entry to ensure local authority carries out its obligations 	Yes	<ul style="list-style-type: none"> (i) Entry at reasonable times (ii) Reasonable cause to believe packing being made up (iii) Written authority to be produced on request (iv) Dwellings excluded (v) JP's warrant for entry by force (vi) Premises to be left as found 	Not known	WEIGHTS AND MEASURES ACT 1979 Sch 2 S 8 (3)	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain - until repeal by Consumer Safety Act 1978	To inspect goods prescribed under the Act to check for a contravention of the Act	Yes	None	Not known	CONSUMER PROTECTION ACT 1961 the Schedule
	Retain	To inspect goods to ensure prescribed requirements carried out to secure that goods are safe in use	Yes	(i) Dwellings excluded (ii) Entry at reasonable times (iii) Written authority to be produced on request (iv) JP's warrant for entry by force (v) Premises to be left as secure as found	Not known	CONSUMER PROTECTION ACT 1978 Sch 2
	Retain	To inspect and test the calibration of tanks of vessels	Yes	(i) Dwellings excluded (ii) Entry at reasonable times (iii) Written authority to be produced on request (iv) JP's warrant for entry by force (v) Premises to be left as secure as found	None	EUROPEAN COMMUNITIES ACT 1972 S (2) (2) (THE CALIBRATION OF TANKS OF OF VESSELS (EEC REQUIREMENTS) REGULATIONS 1975)
	Retain	To inspect and test any instrument covered by the Regulations	Yes	(i) Dwellings excluded (ii) Entry at reasonable times (iii) Written authority to be produced on request (iv) JP's warrant for entry by force (v) Premises to be left as secure as found	None	EUROPEAN COMMUNITIES ACT 1972 S (2) (2) (THE ALCOHOLMETERS & ALCOHOL HYDROMETERS (EEC REQUIREMENTS) REGULATIONS
	Retain	To inspect and test any instrument covered by the regulations not incorporated in a vehicle	Yes	(i) Dwellings excluded (ii) Entry at reasonable times (iii) Written authority to be produced on request (iv) JP's warrant for entry by force (v) Premises to be left as secure as found	None	EUROPEAN COMMUNITIES ACT 1972 S (2) (2) (THE TAXIMETERS (EEC REQUIREMENTS) REGULATIONS

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain	To enter the premises, land and means of transport of undertakings including rail, road and inland waterway undertakings to investigate suspected breaches of the EEC Competition Rules	Yes	(i) Must have grounds to suspect infringement	150	EUROPEAN COMMUNITIES ACT 1972 A 2 (2) (EEC COUNCIL REGULATIONS 17/62 and 1017/68)	

DEPARTMENT OF TRANSPORT

46 powers of entry

Recommendation: Discontinue 2 Retain 44

(Kenneth Clarke, Parliamentary Under-Secretary of State)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Inspect and enter premises where public service vehicles are kept	No	None	250,000	ROAD TRAFFIC ACT 1960 S.128(3)
	Retain	Manufacturers premises, showrooms, and any premises where HGV's are kept. To check type approval certificates and road-worthiness	No	None	177,000	ROAD TRAFFIC ACT 1972 S.48, 56, 61
	Retain	To enter any MOT testing station check records and inspect equipment	Yes	None	190,000	REG 24 OF MOTOR VEHICLES (TEST) REGS 1976 (UNDER ROAD TRAFFIC ACT 1972 S.43-44)
	Retain	To enter and test condition of used vehicles in sales rooms or any premises where such vehicles are offered for sale	Yes	None	Not known	ROAD TRAFFIC ACT 1972 S.61
	Retain	Road haulage operator's premises to examine documents relating to licensing and operation of goods vehicles	Yes	Warrant of authority must be shown before entry	725,000	TRANSPORT ACT 1968 S.82(2)(b) and 99(2)(b) ROAD TRAFFIC ACT 1972 S.56(2)(b) INTERNATIONAL ROAD HAULAGE PERMITS ACT 1975 S.1(2)(d) INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS ACT 1976 S.6 (2)(b)
	Retain	Manufacturers premises, to check type approval certificates and inspect vehicles and their condition	No	Only exercised on applications for a certificate	2,500	1 EUROPEAN COMMUNITIES ACT 1972 S.2(2) AND MOTOR VEHICLES (TYPE APPROVAL) REGULATIONS 1973 2 ROAD TRAFFIC ACT 1972 S.48 (1) UNDER MOTOR VEHICLES (TYPE APPROVAL (GREAT BRITAIN) REGS 1979
	Retain	Land to survey including searching and boring	No	7 days' notice must be given	100 Several thousand entries usually by consent	HIGHWAYS ACT 1971 S.64

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
	Retain	Land forming part of a highway over or under which is a structure they have power to maintain, alter or remove	No	(i) Written authority (ii) Offence to disclose trade secrets	Not known	HIGHWAYS ACT 1971 S.66
	Retain	Land or premises to examine or lay open for surveying, making plans, executing or examining works, trace the course of sewers or drains or ascertain fixing of boundaries	No	(i) 7 days' notice (ii) Order from Magistrates Court when entry refused	Not known	HIGHWAYS ACT 1959 S.256
	Retain	Land to take possession where requisite notice to owner has been served	No	(i) 7 days' notice minimum (ii) Notice to enter may not be served unless a notice to treat has been served	Several thousand usually by consent	COMPULSORY PURCHASE ACT 1965 S.11(1)
	Retain	Land subject to compulsory purchase to survey, take levels, probing or boring for soil tests	No	(i) Between 3 and 14 days' notice (ii) Power may not be exercised prior to cpo taking effect	Not known	COMPULSORY PURCHASE ACT 1965 S.(11)(3)
	Retain	Land to acquire compulsorily or where purchase is being considered to survey or estimate value	No	24 hours' notice of entry to occupied land	Not known	NEW TOWNS ACT 1965 S.49
	Retain	Land to remove trees dangerous to railways	No	None	Not known	REGULATION OF RAILWAYS ACT 1868 S.24
	Retain	Land to inspect and carry out works to bridges over railways	No	None	Not known	TRANSPORT ACT 1968 S.118
	Retain	Land to under-pin buildings within 100 ft of new works	No	None	Not known	BRITISH RAILWAYS ACT 1968 S.11(4) LONDON TRANSPORT ACT 1968 S.14

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Discontinue -- subject to approval of British Rail- ways Board and London Transport Executive	Occupy temporarily private roads within 500 yards of of railways to facilitate railway construction	No	Occupiers etc may object to exercise of powers and court may order different land to be occupied	Not known	RAILWAYS CLAUSES CONSOLI- DATION ACT 1845 S.30	
Discontinue -- subject to approval of British Rail- ways Board and London Transport Executive	Land to prevent or extinguish fires caused by locomotives	No	None	Not known	RAILWAY FIRES ACT 1905 S.2	
Retain	Any railway or station, works, buildings, offices, stock, plant and machinery, and any other place or building necessary for the purpose of investigating an accident	No	None	900	REGULATION OF RAILWAYS ACT 1877 S.4, 7(3)(a)	
Retain	Premises to inspect, take samples and investigate accidents	Yes	Entry at reasonable times	1,600 pa	HEALTH AND SAFETY AT WORK ETC, ACT 1974 S.20(2)	
Retain	Non-railway land to repair embankments, cuttings and other works to prevent accidents	No	None	Not known	RAILWAY REGULATION ACT 1842 S.14	
Retain	Occupy temporarily land within 200 yards of a railway to facilitate construction or repair works	No	None	Not known	RAILWAYS CLAUSES CON- SOLIDATION ACT 1845 S.32	
Retain	Inspect mine workings that have caused damage to railway	No	None	Not known	RAILWAY CLAUSES CONSOLI- DATION ACT 1845 S.83 AS SUBSTITUTED BY PT II OF THE MINES (WORKING FACILITIES AND SUPPORT) ACT 1923	

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Remedy defective landing places and embankments following failure by the owner to do so	No	PLA must give notice requiring defects to be remedied	Not known	PORT OF LONDON ACT 1968 S.123 (2)(b)
Retain		Vessels to enforce PLA byelaws and prevent or extinguish fires	Yes	Written authority can be demanded	Not known	PORT OF LONDON ACT 1968 S.137
Retain		Vessels to survey cargo if they have or are to be handled by PLA	Yes	None	Not known	PORT OF LONDON ACT 1968 S.142 (1)(b)
Retain		Landing places to deal with applications to unload or load dangerous cargoes eg petroleum spirit	No	Only exercised in relation to an application previously made to the PLA	Not known	PORT OF LONDON ACT 1968 S.152 (1) (GOES BACK TO PETROLEUM (CONSOLIDATION) ACT 1928)
Retain		Vessels to carry out navigation instructions of the Harbour or Dock Master when not complied with by the vessel	No	Only exercised if the direction has not been complied with 'within a reasonable time'	Not known	PORT OF LONDON ACT 1968 S.118
Retain		Verify facilities for weighing goods on which cargoes are based	No	(i) Written authority (ii) Only reasonable facilities may be demanded by PLA	Not known	PORT OF LONDON ACT 1968 S.43
Retain		To remove or abate unlicensed work on the tidal Thames	No	Notice must be given by PLA requiring restoration of site before powers are exercised	Not known	PORT OF LONDON ACT 1968 S.70 (3)
Retain		A vessel or other place to seize goods or detain a vessel in respect of unpaid dues	Yes	Power can only be exercised at 'reasonable times'	Not known	PORT OF LONDON ACT 1968 S.39 (2)(b), (c), (3) and (12)
Retain		A vessel to ascertain dues payable or obtain related information	Yes	Written authority	Not known	PORT OF LONDON ACT 1968 S.38
Retain		Premises where petroleum spirit stored to enforce provisions of Petroleum (Consolidation) Act 1928	Yes	(1) Reasonable belief (2) Entry at reasonable times	2,000	HEALTH AND SAFETY AT WORK ETC ACT 1974 S.20

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Land and survey for unauthorised works and check if river-bed landing places or banks in need of repair	No	(i) 7 days' notice in writing (ii) Entry at reasonable times	Not known	PORT OF LONDON ACT 1968 S.90
Retain		Fishing vessels to search for fish unlawfully taken and any apparatus used therefore	Yes	Anything seized must be brought before a JP	Not known	PORT OF LONDON ACT 1968 S.87 (GOES BACK TO THAMES CONSERVANCY ACT 1894)
Retain		Premises within the harbour to inspect and examine explosives	Yes	Need only be afforded as a reasonable facility for inspection	Not known	EXPLOSIVES ACT 1875
Retain		All works in the Haven under construction or built to test equipment, make surveys and question employees re construction and oil pollution	No	Entry at reasonable times	250	MILFORD HAVEN CONSERVANCY ACT 1975 S.21
Retain		Vessels in Forth or docks	Yes	None	500	FORTH PORTS AUTHORITY ORDER CONFORMATION ACT 1969 S.85
Retain		Vessels to ensure byelaws are being complied with	Yes	None	20	HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 S.83
Retain		Vessels to ascertain port charges due	Yes	None	25,000	HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 S.34
Retain		Vessels to search for and/or extinguish fires and lights	Yes	None	10	HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 S.72
Retain		Vessels to move them when owner has failed to comply with Harbour Masters' instructions	Yes	None	20	HARBOUR, DOCKS AND PIERS CLAUSES ACT 1847 S.58
Retain		Any vessel in order to detain or seize goods on non-payment of dues	No	None	Not known	HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 S.44
Retain		Vessels to move when owner has failed to comply, in order to repair, cleanse or scour the harbour	No	3 days' notice	Not known	HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 S.65

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF ENTRIES IN LAST 5 YEARS UNLESS OTHER- WISE STATED	STATUTORY BASIS
Retain		Any British fishing vessel within the district to examine and seize all fishing equipment if S3 of the Act has been contravened	Yes	None	500	SEA FISH (CONSERVATION) ACT 1967 S.17
Retain		Any vessel or vehicle used in the district for conveying fish or any other substance banned by the byelaws for enforcement as necessary	Yes	None	500	SEA FISHERIES REGULATION ACT 1966 S.10
Retain		Any vessel to investigate alleged discharge of oil etc.	Yes	None	150	PREVENTION OF OIL POLLUTION ACT 1971 S.18

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF INSPEC- TORS	NO OF ENTRIES	STATUTORY BASIS
1	Retain	Person authorised by the Land Authority for Wales may enter land to survey, value and bore in connection with acquisition of development land	No	Written authority for entry 24 hrs notice for entry of right or when searching and boring subsoil Fine or imprisonment for disclosure of trade secrets Compensation for damage	25-30	200 since April 1976	COMMUNITY LAND ACT, 1975 para 20 of Sch 4
2	Discontinue	A person authorised by the Secretary of State may enter land to survey it and bore to ascertain nature of subsoil and presence of any minerals	No	Authority must be produced 5 days notice or 14 days notice if residential land. Compensation for damage	None	None	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
3	Retain	Development Board for Rural Wales has the same powers as described above	No	Same as above	3	25 since April 1977	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
4	Discontinue	Person authorised by Secretary of State may enter to survey and bore on land to decide whether the functions of the Welsh Development Agency or Secretary of State should be exercised in relation to the land	No	5 days notice or 14 days if residential land Fine or imprisonment for disclosure of trade secrets Compensation for damage	None	None	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23
5	Retain	Welsh Development Agency has the same powers as described above	No	Same as above	1	500-600 entries since 1 Jan 1976	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23

(Michael Roberts, Parliamentary Under Secretary of State)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY	SURPRISE NEEDED	SAFEGUARDS	NO OF INSPEC- TORS	NO OF ENTRIES	STATUTORY BASIS
1	Retain	Person authorised by the Land Authority for Wales may enter land to survey, value and bore in connection with acquisition of development land	No	Written authority for entry 24 hrs notice for entry of right or when searching and boring subsoil Fine or imprisonment for disclosure of trade secrets Compensation for damage	25-30	200 since April 1976	COMMUNITY LAND ACT, 1975 para 20 of Sch 4
2	Discontinue	A person authorised by the Secretary of State may enter land to survey it and bore to ascertain nature of subsoil and presence of any minerals	No	Authority must be produced 5 days notice or 14 days notice if residential land. Compensation for damage	None	None	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
3	Retain	Development Board for Rural Wales has the same powers as described above	No	Same as above	3	25 since April 1977	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
4	Discontinue	Person authorised by Secretary of State may enter to survey and bore on land to decide whether the functions of the Welsh Development Agency or Secretary of State should be exercised in relation to the land	No	5 days notice or 14 days if residential land Fine or imprisonment for disclosure of trade secrets Compensation for damage	None	None	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23
5	Retain	Welsh Development Agency has the same powers as described above	No	Same as above	1	500-600 entries since 1 Jan 1976	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23

(Michael Roberts, Parliamentary Under Secretary of State)

NO	RECOMMEN- DATION	DESCRIPTION OF POWERS OF ENTRY.	SURPRISE NEEDED	SAFEGUARDS	NO OF INSPEC- TORS	NO OF ENTRIES	STATUTORY BASIS
1	Retain	Person authorised by the Land Authority for Wales may enter land to survey, value and bore in connection with acquisition of development land	No	Written authority for entry 24 hrs notice for entry of right or when searching and boring subsoil Fine or imprisonment for disclosure of trade secrets Compensation for damage	25-30	200 since April 1976	COMMUNITY LAND ACT, 1975 para 20 of Sch 4
2	Discontinue	A person authorised by the Secretary of State may enter land to survey it and bore to ascertain nature of subsoil and presence of any minerals	No	Authority must be produced 5 days notice or 14 days notice if residential land. Compensation for damage	None	None	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
3	Retain	Development Board for Rural Wales has the same powers as described above	No	Same as above	3	25 since April 1977	DEVELOPMENT OF RURAL WALES ACT 1976 Section 15
4	Discontinue	Person authorised by Secretary of State may enter to survey and bore on land to decide whether the functions of the Welsh Development Agency or Secretary of State should be exercised in relation to the land	No	5 days notice or 14 days if residential land Fine or imprisonment for disclosure of trade secrets Compensation for damage	None	None	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23
5	Retain	Welsh Development Agency has the same powers as described above	No	Same as above	1	500-600 entries since 1 Jan 1976	WELSH DEVELOPMENT AGENCY ACT 1975 Section 23

Home Affairs jfh

BF 4/17

27 June 1980

Thank you for your letter of 26 June about the review of powers of entry into business premises.

Can I take it that you will still expect to get this to us before the House rises for the Summer Recess?

MAP .

Miss Jane Gutteridge,
Department of Industry.

AB



✓
BF July 28

to check progress
if no earlier
date
MA

DEPARTMENT OF INDUSTRY
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From the
Parliamentary Under Secretary of State's Office

Mike Pattison Esq
Private Secretary to
the Prime Minister
10 Downing Street
LONDON SW1

26 June 1980

Dear Mr Pattison

I am writing to you about the review of all existing powers of entry into business premises which Mr Mitchell is co-ordinating.

In your letter of 7 December 1979 you said that the Prime Minister was hoping that the review would be completed within six months. The exercise revealed many more powers of entry than were listed in the booklet produced by the National Federation of Self Employed and Small Businesses and for that reason I regret that it will not be possible for the report to be with you by the end of June.

It will be completed as soon as possible after that.

Yours sincerely
Jane Gutteridge.

JANE GUTTERIDGE
Private Secretary

file

DSC
Home Affairs

23 June 1980

COMMITTEE ON ENFORCEMENT POWERS

The Prime Minister has read your letter of 18 June and is content with the names the Chancellor proposes for the Committee on Enforcement Powers.

T. P. LANKESTER

Richard Tolkien, Esq.,
H.M. Treasury.

KRP

APPOINTMENTS IN CONFIDENCE



Am. M. H. H.

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

*Contact with
the names at*

18 June 1980

X ?

Tim Lankester Esq
No. 10 Downing Street

Yes not.

R.

Dear Tim,

COMMITTEE ON ENFORCEMENT POWERS

20/6

You will remember that the Chancellor referred in his Budget Speech to the Government's intention to establish a Committee of Enquiry into the enforcement powers of the Revenue Departments.

Since then we have, as you know, been endeavouring to find a suitable Chairman for the enquiry and to identify appropriate supporting members. Lord Keith of Kinkel, a Law Lord and Privy Counsellor, has agreed to chair the Committee of Enquiry.

The Chancellor has decided that it would be appropriate for the Committee to have four other members. In considering who else should be invited to serve, the Chancellor has been guided by the need to ensure that the Committee's composition provides for working knowledge of, on the one hand, the administration of the tax system and, on the other, criticisms made of the tax system. We have deliberately avoided drawing up the composition of the Committee on a representational basis.

Subject to the views of the Prime Minister and Lord Keith, who the Chancellor is to see soon to discuss the work and composition of the Committee, the Chancellor would like to invite the following to serve on the Committee: Mr John Avery Jones, a lawyer; Mr Ernest Symons, formerly of the Inland Revenue; Mr Brian Crack, an accountant and specialist on smaller businesses; and, finally, Lord Allen, formerly of the NEDC. I should say that the Chancellor is particularly concerned that the Committee should be seen to be balanced in political terms and wishes to invite Lord Allen for this reason, as well as for his own merits.

I should be grateful if you would indicate whether the Prime Minister is content for the Chancellor to issue an invitation to those mentioned.

Yours,

Richard.

R I TOLKIEN
18 June 1980

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X

MSP

Home Affairs
✓ MAA



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

11th April 1980

I.H. Maxwell Esq.
Private Secretary to The Lord Chancellor

Dear Ian,

ENFORCEMENT POWERS OF THE REVENUE DEPARTMENTS

Following the Lord Chancellor's letter of 13 March, the Chancellor has been giving further thought to the question of finding a suitable Chairman for the enquiry into the enforcement powers of the Revenue Departments.

The Chancellor takes the view that the work of the Committee will be of the utmost sensitivity, given the need on the one hand to ensure that the Revenue Departments have adequate powers to enforce the law, and on the other hand the need to protect the rights of the citizen, and that it will therefore be necessary to ensure that the Chairman of the Committee commands the widest public confidence. Against this background he would strongly prefer a serving High Court Judge as opposed to a retired Judge or a Senior Silk. This is not, of course, to bring into question in any way the competence of the candidates which the Lord Chancellor put forward in his letters of 11 February and 17 March.

The Chancellor has discussed this matter with the Prime Minister and she agrees that it is important to have a Chairman who commands the widest public confidence.

The Chancellor would be quite prepared to visit the Lord Chancellor to discuss this matter and, if it were thought appropriate, to have an initial discussion with Sir Wilfrid Bourne.

I am copying this letter to Tim Lankester at No. 10.

Yours sincerely,
Richard Tolkien

R.I. TOLKIEN

None Affair

REAL FINANCE

Interest Rate

itchell asked the Chan-
chequer what was the real
in 1979; and how this
rate each year from

To calculate the real
loans and securities of
maturity requires com-
rate of interest on
curities with the infla-
of lenders and bor-
ame period. Since in-
tations cannot be
tes of interest cannot
lated. It is, however,
ate figures that might
al short term interest
ay, recent inflationary
oxy for current short-
expectations. Such a
ever, certainly not be
ating long term real

table shows notional
interest rates calculated
by comparing, for
actual average rate of
three months over the
his—at an annual rate
e month interest rates
arter. Annual figures
etric averages of the
Insufficient informa-
spect of years before
e noted that similar
be done using other
ary expectations. The
d on the purpose to
e being put.

REAL INTEREST 1955-79

Quarterly	Percentage Annual average
N/A	
1.7	
-7.1	N/A
-1.1	
-0.7	
6.3	0
-1.6	
-3.8	
14.1	
0.6	1.6
-6.9	
-0.1	

Year	Quarter	Quarterly	Percentage Annual average
1958	1st quarter	6.0	3.9
	2nd quarter	1.3	
	3rd quarter	6.2	
	4th quarter	2.3	
1959	1st quarter	5.9	3.9
	2nd quarter	-5.6	
	3rd quarter	13.4	
	4th quarter	2.9	
1960	1st quarter	8.1	3.7
	2nd quarter	-1.3	
	3rd quarter	6.8	
	4th quarter	1.3	
1961	1st quarter	3.6	3.6
	2nd quarter	5.7	
	3rd quarter	-9.0	
	4th quarter	15.7	
1962	1st quarter	-0.9	1.2
	2nd quarter	3.5	
	3rd quarter	4.6	
	4th quarter	0.4	
1963	1st quarter	3.7	1.2
	2nd quarter	1.7	
	3rd quarter	-1.3	
	4th quarter	0.8	
1964	1st quarter	7.4	0.5
	2nd quarter	-2.6	
	3rd quarter	-3.2	
	4th quarter	0.7	
1965	1st quarter	7.8	2.8
	2nd quarter	4.5	
	3rd quarter	-4.6	
	4th quarter	3.9	
1966	1st quarter	4.0	3.8
	2nd quarter	2.1	
	3rd quarter	-1.6	
	4th quarter	10.9	
1967	1st quarter	4.5	2.1
	2nd quarter	1.8	
	3rd quarter	-0.9	
	4th quarter	3.1	
1968	1st quarter	11.2	5.0
	2nd quarter	4.7	
	3rd quarter	-2.1	
	4th quarter	6.6	
1969	1st quarter	6.7	4.5
	2nd quarter	6.7	
	3rd quarter	4.4	
	4th quarter	0.4	
1970	1st quarter	4.0	-1.0
	2nd quarter	-0.1	
	3rd quarter	-1.3	
	4th quarter	-6.5	
1971	1st quarter	3.7	-5.0
	2nd quarter	-5.2	
	3rd quarter	-10.6	
	4th quarter	-7.3	
1972	1st quarter	5.6	-2.8
	2nd quarter	-3.5	
	3rd quarter	-9.4	
	4th quarter	-3.3	
1973	1st quarter	12.9	3.1
	2nd quarter	9.8	
	3rd quarter	-5.8	
	4th quarter	-3.3	

Year	Quarter	Quarterly	Percentage Annual average
1974	1st quarter	8.0	-7.0
	2nd quarter	-1.2	
	3rd quarter	-21.7	
	4th quarter	-10.5	
1975	1st quarter	-17.5	-10.1
	2nd quarter	-10.2	
	3rd quarter	-10.7	
	4th quarter	-1.2	
1976	1st quarter	0	-0.2
	2nd quarter	-3.6	
	3rd quarter	+1.4	
	4th quarter	+1.6	
1977	1st quarter	-2.0	-2.1
	2nd quarter	-1.0	
	3rd quarter	-7.4	
	4th quarter	+2.2	
1978	1st quarter	-10.1	-1.3
	2nd quarter	+2.9	
	3rd quarter	-2.4	
	4th quarter	+5.0	
1979	1st quarter	+3.3	
	2nd quarter	-6.4	
	3rd quarter	-3.9*	

* Estimate.

Notes:
(1) Quarterly real interest rates, r , have been calculated on the formula:
 $r = (1+p)(q1/q2)^4 - 1$
where:

p = 3 month interest rate (average over the quarter). For 1968 and succeeding years the 3 month inter-bank rate has been used; prior to 1968 the commercial bill rate has been used; the figures for 1955-62 have been derived on a slightly different basis from those for 1962-68.
 q = The GDP(E)—total home costs—deflator, expressed in index number form and seasonally adjusted. (See for example, Economic Trends, Annual Supplement, 1980, p. 5). q^1 and q^2 are the GDP(E) deflator for each quarter and the previous quarter respectively.

(2) Annual average real interest rates, R , have been calculated on the formula:
 $R = [(r^1+1)(r^2+1)(r^3+1)(r^4+1)]^{1/4} - 1$
where r^1, r^2, r^3, r^4 are the real interest rates for each quarter.

Inland Revenue and Customs and Excise (Powers of Inspection)

Mrs. Fenner asked the Chancellor of the Exchequer if he has completed his review of the powers of the inspectorate within the Inland Revenue and Her Majesty's Customs and Excise; and if he will make a statement.

Mr. Peter Rees: The Government will be setting up an independent committee to review the enforcement powers of the Inland Revenue and the Customs and Excise. The committee will be asked to weigh the need to ensure compliance with

the law against the need to avoid excessive burdens on taxpayers. The precise terms of reference, the name of the chairman and members, and arrangements for submitting evidence will be announced later.

Information Officers

Mr. Freud asked the Chancellor of the Exchequer if he will publish in the *Official Report* the number and the average cost of information officers employed by his Department at the beginning of each of the last four years.

Mr. Peter Rees: I shall let the hon. Member have a reply as soon as possible.

Tax Allowances

Mr. Rooker asked the Chancellor of the Exchequer (1) if he has received any pre-Budget submissions which advocate an increase in personal taxation by not raising the allowances in line with inflation;

(2) if he will update the answer given to the hon. Member for Birmingham, Perry Barr, *Official Report*, 28 January, columns 511-12, in respect of personal tax allowances based on the February retail price index and incorporate any rounding needed for the operation of the PAYE scheme.

Mr. Peter Rees: I shall let the hon. Member have a reply as soon as possible.

Value Added Tax

Mr. Dobson asked the Chancellor of the Exchequer which registered charities pay value added tax on membership subscriptions.

Mr. Peter Rees: I shall let the hon. Member have a reply as soon as possible.

Mr. Joel Barnett asked the Chancellor of the Exchequer what is the estimated total debt owing to Her Majesty's Customs and Excise, at the latest date for which information is available, by those who are registered for value added tax; how many months' payments this represents; and if he will provide the same information in respect of the position 12 months earlier.

Sir Geoffrey Howe [pursuant to his reply, 27 February 1980]: VAT outstanding on unpaid returns and assessments at 31 October 1979 was about £1,750 million, of which about £800

million became due only on 31 October. The remaining £950 million represented about 20 days' payments at the average rate during the fourth quarter of 1979, the full £1,750 million about 36 days. The tax outstanding at 31 October 1978 was about £580 million of which £335 million became due on 31 October. At the then current VAT rates of 8 and 12½ per cent. the remaining £245 million represented 10 days' payments and the full £580 million 23 days. Although information for a later date is not complete, there are indications that the average number of days VAT payments are in arrears has been reduced since the end of October.

Stock Relief

Mr. Meacher asked the Chancellor of the Exchequer what has been the value of stock relief each year since 1974, in terms, respectively, of reducing corporation tax and tax on self-employment income, both at current prices and at 1980 prices.

Mr. Peter Rees: I shall let the hon. Member have a reply as soon as possible.

Family Income

Sir Brandon Rhys Williams asked the Chancellor of the Exchequer if he will publish figures comparing the net weekly incomes of single non-householders, single householders, single wage married couples, two wage married couples, single wage married couples with two children aged 8 and 12 years, two wage married couples with two children aged 8 and 12 years, single wage married couples with four children aged 6, 8, 12 and 14 years and two wage married couples with four children aged 6, 8, 12 and 14 years, earning 50 per cent., 75 per cent. and 100 per cent. of average male annual earnings, assuming: existing child allowances and child benefits and that single person's tax allowance, married person's tax allowance and wife's earned income allowance were abolished in favour of a uniform tax allowance at £700 per annum and an untaxed householder credit of £4 per week and child benefits at children's supplementary benefit levels.

Mr. Biffen [pursuant to his reply, 27 February 1980]: On the assumptions stated, and giving an allowance of £1,400 to a married couple whether the wife is working or not, the figures are as shown in the following table.

Home Affairs MFJ

27 February 1980

Overtaken by Ind to MAP 26/6/80

The Prime Minister was grateful for Mr. Mitchell's minute of 22 February, outlining the initial steps on the review of powers of entry into business premises.

She looks forward to receiving the reports by 30 June.

M. A. PATTISON

A.C.S. Willis, Esq.,
Department of Industry.

~~B/K 31.3.80~~
end way
in Hansard

Home
Affairs

27 February 1980

Thank you for your letter of 26 February, about Mr. Rees's forthcoming announcement of the Review of Enforcement Powers of the Revenue Departments.

The Prime Minister has noted this, and is content with what is proposed.

I am sending a copy of this letter to Richard Prescott (Paymaster General's Office).

M.A. PATTISON

Roy Warden, Esq.,
H.M. Treasury.

RWA

PRIME MINISTER



For information -
Answer for Thursday

MAP 26/2

Treasury Chambers, Parliament Street, SW1P 3AG

M A Pattison Esq
Private Secretary
No 10 Downing Street

26 February 1980

Dear Mike

REVIEW OF ENFORCEMENT POWERS OF THE REVENUE DEPARTMENTS

The Chancellor wrote to the Prime Minister on this matter on 5 February. You may like advance warning that the Minister of State, Mr Peter Rees, will be announcing the setting up of an independent Committee in a parliamentary answer on Thursday 28 February. I attach a copy of the draft reply.

I am sending a copy of this letter to Richard Prescott.

Yours sincerely,
Roy Warden

R WARDEN
Private Secretary

C - Rochester and Chatham

MRS PEGGY FENNER: To ask Mr Chancellor of the Exchequer, if he has completed his review of the powers of inspectorate within the Inland Revenue and Her Majesty's Customs and Excise; and if he will make a statement.

DRAFT REPLY

The Government will be setting up an independent Committee to review the enforcement powers of the Inland Revenue and the Customs and Excise. The Committee will be asked to weigh the need to ensure compliance with the law against the need to avoid excessive burdens on taxpayers. The precise terms of reference, the name of the Chairman and members, and arrangements for submitting evidence will be announced later.



PRIME MINISTER

POWERS OF ENTRY INTO BUSINESS PREMISES

Progress report on "Powers of Entry". Findings are to reach you by June 30.

Not much progress so far.

MAP 25/2.

[Handwritten signature]

I am writing to let you know the progress that has been made on the review of the powers of entry into business premises since your Private Secretary wrote to my Secretary of State's Private Secretary on 7 December.

The basis on which the review will be carried out has been agreed with all the Junior Ministers nominated to conduct it in their Departments (a list of their names is enclosed) and the exercise is now under way.

We plan to hold a progress meeting in five to six weeks' time.

All the powers to enter business premises, including those derived from EEC legislation, held by central and local government officials, nationalised industries, quangos and any other bodies will be examined. "Business premises" will be given a wide interpretation to include, for example, private nursing homes, private schools and institutions, ships and private dwellings used for business purposes.

Each power will be examined under the headings listed in the enclosed "pro-forma" and supplementary memorandum.

When departmental reviews are completed Ministers will send their reports direct to you and copy them to me; I will

/prepare ...



2

prepare a final report on the whole review. It is hoped that all the reports will be submitted by 30 June.

I am sending copies of this minute and enclosures to members of Cabinet, the Minister of Transport, the Solicitor General and the Secretary of the Cabinet.

JG

PP D M

22 February 1980

*(approved by the
Minister and signed
in his absence)*

Department of Industry
Ashdown House
123 Victoria Street

Department

MAFF
MOD
Northern Ireland
Trade
Energy
Home Office
Employment
Environment
DHSS
Scotland
Wales
Transport
Treasury
Education
Industry

Junior Minister

Jerry Wiggin
Barney Hayhoe
Giles Shaw
Reginald Eyre
Norman Lamont
Leon Brittan
Patrick Mayhew
Marcus Fox
Lynda Chalker
Alex Fletcher
Michael Roberts
Kenneth Clarke
Peter Rees
Neil McFarlane
David Mitchell

RIGHTS OF ENTRY
PRO-FORMA FOR CO-ORDINATED REVIEW

- (a) Description of power of entry.
- (b) Purpose when first introduced and date.
- (c) Statutory authority.
- (d) Is the power absolute or qualified (eg. only applies if grounds for suspicion): if the latter state qualification?
- (e) What notice, if any, of the exercise of the power is required? If none, what notice, if any, is in practice given?
- (f) Any safeguard or limitation on the powers (eg. requirement to be accompanied by Officer of the Peace, requirement for Court Order etc).
- (g) Normal procedure when entry is refused.
- (h) Number of persons holding such powers. Do the same persons hold other powers in the review?
- (i) Approximate number of entries actually made over, say, the past five years.
- (j) What form of guidance, if any, is there available to potential "victims" or the public generally as to the power and any limitations on it?
- (k) What process is necessary (primary or secondary legislation, etc) to achieve limitation or elimination of the power?
- (l) Implications for efficiency, or any other disadvantages in limitation or elimination.
- (m) Recommendation:
 - (i) The power should be given up;
 - (ii) The power should be limited to scope in the following respects or have the following new safeguards;
 - (iii) The power should be retained without alteration.

Memorandum for Use with the "Pro-forma"

Most of the headings on the pro-forma are self-explanatory but some additional notes on what should be included under the more general headings are given below:-

- a) Description of power of entry - this should include:-
 - i) a description of the premises an inspector is empowered to enter;
 - ii) what he may do on those premises eg inspect certain items, test equipment, take samples, examine or remove documents, make surveys, question employees;
 - iii) who he is empowered to take with him; if applicable whom he must take with him;
 - iv) whether he may take equipment on to the premises;
 - v) whether he may enter premises to gain access to other premises.
- b) Purpose when first introduced and date - the original purpose may no longer be relevant and the purpose for which the power is used now should be shown if different.
- d) Is the power absolute or qualified - the answers to this question should include the circumstances which qualify the power and whether or not there is any penalty for obstructing or hindering an inspector.
- h) Number of persons holding such powers. Do the same persons hold other powers in the review? - this should be the best estimate available and be broken down into the numbers of different types of inspector who hold the power eg number of officials from a central government agency and number of officials from local government. When making their summary reports on the review Departments should be able to see how many powers for which they are responsible rest in each inspectorate.
- i) Approximate number of entries made - this should be on the following basis if at all possible:-
 - i) the total number of entries made under each power broken down between entries into business premises and private dwellings whose use for business purposes, if any is incidental;
 - ii) broken down further to show the estimated number of routine visits where access came by reason of the power being available and the number of visits where the power to enter was used specifically.

- j) Guidance to "victims" - where Departments recommend a power should be modified or retained without alteration they should consider whether more publicity should be given to the limitations on the power.
- 1) Implications for efficiency - this should include whether the purpose of the power is still valid and whether or not the purpose could be achieved without a power of entry.

Small Firms Division

1/ February 1980

FILE

VLS

Home Affairs

7 February 1980

The Prime Minister has considered the Chancellor of the Exchequer's minute of 5 February, about the review of enforcement powers of the Revenue Departments.

She is content with the proposed terms for the review, and with the type of membership for the Committee envisaged by the Chancellor. The Chancellor raised the question whether Mr. Rees should look separately at the Revenue's power to inspect premises for rating valuations, in the context of the report which Mr. Mitchell is collating. She would like Mr. Rees to undertake this work.

M. A. PATTISON

M. A. Hall, Esq., M.V.O.,
H.M. Treasury.

A

PRIME MINISTER

Here are the Chancellor's proposals for reviewing the enforcement powers of the Revenue Departments.

- (i) He seeks your approval for the terms of reference for the enquiry enclosed with his minute.
- (ii) He seeks your approval for the type of membership he has in mind. If you are content, will you want to see the individual nominations?
- (iii) He points out that the review will not cover the Inland Revenue's power to inspect premises for rating valuations. He wants a decision on whether you wish Mr. Rees to look separately at this for the purpose of the "rights of entry" review which David Mitchell is handling. As the Revenue is very much at the centre of the rights of entry issue, would you like to ask ~~whether~~ Mr. Rees ^{to} ~~should~~ undertake this? *Yes not*

MA

6 February 1980



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

PRIME MINISTER

REVIEW OF ENFORCEMENT POWERS OF THE REVENUE DEPARTMENTS

In my minute of ^{repeated} ~~4th~~ ^{3rd} December about rights of entry to business premises, I referred to the study being conducted by Peter Rees and said that I would put proposals for the next stage to you when we had a decision in the Rossminster case.

2. Our manifesto commitment to review the enforcement powers of the Revenue and Customs and Excise has been reinforced by the unease expressed by their Lordships about search powers; and by your own concern about the powers of entry possessed by Government officials. The enquiry into enforcement should, I think, be carried out by an impartial external body and should go quite wide, including (but not being confined to) search powers.

3. My clear preference is for a small committee composed of able and experienced individuals outside Government and the administration. Provided the Lord Chancellor is content I should like a High Court judge to chair, with a membership of four or five. It ought not to be too metropolitan or too representative of the big battalions. It seems to me that it should include one or two businessmen and an accountant together with a member of the legal profession and preferably someone with practical experience of tax administration who could advise whether possible changes in the law could seriously affect one way or another the



departments' ability to carry out their statutory duties. The committee would have to balance the need to see that the law is complied with against the need to avoid putting excessive burdens on taxpayers. Michael Havers advises that the fact that legal proceedings may be current or pending which involve consideration of these enforcement powers at a time when the committee is reviewing them does not of itself give rise to any impropriety. The committee will not concern itself with specific cases or refer to them in its reports.

.... 4. The proposed terms of reference (attached) will cover the powers of entry of both departments, except for the Revenue's power to inspect premises for rating valuations. It would be possible for Peter Rees to look separately at this for the purposes of the report which David Mitchell is collating. On the other hand, as we are currently reviewing the future of the domestic rating system, it might be preferable to leave a review of those particular powers aside for the present.

5. Subject to your views, I would like to announce the setting up of the committee by means of an arranged PQ as soon as I have the Lord Chancellor's agreement to a chairman.

G.H.

(G.H.)

5 February 1980

TERMS OF REFERENCE

To enquire into the tax enforcement powers of the Board of Inland Revenue and the Board of Customs and Excise, including: powers of investigation into the accuracy of returns including powers to call for information and comments; powers of entry and of search of premises and persons; powers relating to cases of fraud, wilful default or neglect and to cases of reckless action: but not including the ordinary processes of collecting outstanding tax and the charge of interest thereon. To consider whether these powers are suited to their purposes having regard both to the need to ensure compliance with the law and to avoid excessive burdens upon taxpayers and to make recommendations.

Short title: Committee on the enforcement powers
of the Board of Customs and Excise
and the Board of Inland Revenue

DRAFT

PARLIAMENTARY QUESTION

Question: To ask the Chancellor of the Exchequer what steps he intends to take to carry forward the review into the enforcement powers of the Inland Revenue and Customs and Excise promised in the Manifesto.

Answer: I am setting up a committee under Mr. Justice with the following terms of reference.

A. A. P. ✓
MAD 181

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switsfwrdd)
01-233 6106 (Linell Union)



WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6106 (Direct Line)
From The Secretary of State for Wales

Oddi wrth Ysgnfennydd Gwladol Cymru

14th January 1980

Dear Willis,

REVIEW OF POWERS OF ENTRY TO BUSINESS PREMISES

I am responding to Mike Pattison's letter of 17 December 1979, asking that we let you know which Minister in the Department will undertake the above review, in consultation with Mr Mitchell.

My Secretary of State has asked Mr Michael Roberts to undertake this task and no doubt you will be in touch with his office in due course on the matter of consultation.

Copies of this letter go to Mike Pattison, to Private Secretaries to other members of Cabinet including the Minister of Transport, to Murdo Maclean (Chief Whip's Office), to Bill Beckett (Law Officer's Department) and to Martin Vile (Cabinet Office).

John Smith

G C G CRAIG

G C G CRAIG
Private Secretary

A C Willis Esq
Private Secretary to the Parliamentary Under
Secretary of State
Department of Industry
123 Victoria Street
LONDON SW1E 6RB

Home
Affairs

Northern Ireland Office
Dundonald House
Belfast BT4 3SU
Telephone Belfast 63255

✓ MAP



A C Willis Esq
Private Secretary to the
Parliamentary Under Secretary
for Industry
Department of Industry
123 Victoria Street
LONDON
SW1E 6RB

8. January 1980

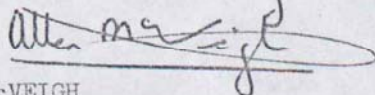
Dear Mr. Willis,

POWERS OF ENTRY

Mike Pattison's letter of 7 December refers.

The Secretary of State for Northern Ireland has nominated Parliamentary Under Secretary of State, Mr Giles Shaw, to take charge of the Northern Ireland Departments review of statutory powers of entry to business premises.

I am copying this letter to Private Secretaries to other Members of the Cabinet, the Minister of Transport, Murdo Maclean, Bill Beckett and to Martin Vile.

Yours sincerely,


A McVEIGH
Private Secretary



✓ MAP.
Home Affairs.

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

7th January 1980

Dear Ian Ellison,

RIGHTS OF ENTRY INTO BUSINESS PREMISES

Stuart Hampson copied to me his letter of 20 December. The Chancellor has noted the views of the Secretary of State for Trade and is well seized of the strength of his feelings as conveyed in the letter. The Chancellor has also noted the obiter dicta in the recent Rossminster case to the effect that Parliament might wish to reconsider the powers it had given to the Inland Revenue. But, as the judgments also reflect, there are conflicting public interests at issue here - and the balance needs to be carefully struck after full consideration. That is the purpose of reviewing the enforcement powers of both the Inland Revenue and Customs and Excise. It will be better to await the outcome of the review which, subject to the agreement of the Prime Minister he plans to set up as soon as possible. Meanwhile the Chancellor thinks it would be a mistake to rush into legislation.

I am copying this letter to Stuart Hampson and to those to whom he copied his.

Yours sincerely,
Richard Tolkien ..

R. I. TOLKIEN
(Assistant Private Secretary)

Ian Ellison Esq.

RESTRICTED



VMD
Home Affairs

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

A C Willis Esq
Private Secretary to the Parliamentary
Under Secretary of State
Department of Industry
123 Victoria Street
LONDON SW1E 6RB

4 January 1980

Dear Mr Willis

RIGHT OF ENTRY TO BUSINESS PREMISES

Mike Pattison's letter of 7 December asked that departmental Ministers should let Mr Mitchell have the name of the junior Minister nominated to liaise with him on the review of existing powers of entry which he is about to undertake.

In this Department, HM Inspectors of Schools, and others authorised to assist them, have a right to require, for the purpose of inspection, admission to all schools and maintained institutions of further education and to voluntary institutions of further and higher education receiving direct grant from the Department. This is not an express right of entry, which is incidental to the duty to carry out inspections, and it may be therefore that these powers should be exempted from Mr Mitchell's review. This is a point that will need to be taken into account when the scope of the review is being determined. In the meantime my Secretary of State has nominated Mr Neil Macfarlane Parliamentary Under Secretary of State, to liaise with Mr Mitchell.

I am copying this letter to Mike Pattison (No 10) and to the recipients of his letter.

Yours Sincerely

Ros Turp.

MRS R TURP
Private Secretary

RESTRICTED

F. : Dr R S TAYLOR



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 01-218 2452 (Direct Dialling)
01-218 9000 (Switchboard)

PARLIAMENTARY UNDER-SECRETARY OF STATE
FOR DEFENCE FOR THE ARMY

D/US of S(A)/BJH/5/3/1

3 January 1980

A C Willis Esq
Private Secretary to the
Parliamentary Under Secretary of State
for Industry
Department of Industry
Ashdown House
123 Victoria Street
LONDON
SW1E 6RB

Copy to:
PS/S of S
PS/2nd PUS
DUS(CM)
PS/DUS(Pol)PE
PS/AUS(CM)B
PS/D HQ Sy
PS/D Sy (PE)
PS/Gen Sec PE
PS/MDP Sec
PS/Hd of Legal Sec
→ Mike Pattison

Dear Tony

I am writing to let you know that the Secretary of State for Defence has asked Mr Barney Hayhoe, Parliamentary Under Secretary of State for Defence for the Army to represent this Ministry on the review body examining the existing powers of entry to business premises, notified by Mike Pattison in his letter of 7 December.

I am copying this letter to Private Secretaries to other recipients of that letter and to Mike Pattison.

Yours sincerely
Robert Taylor
Private Secretary



NEW ST. ANDREWS HOUSE
ST. JAMES CENTRE
EDINBURGH EH1 3SX

Home Affairs

A C Willis
Private Secretary to the
Parliamentary Under Secretary of State
Department of Industry
123 Victoria Street
LONDON
SW1E 6RB

24 December 1979

Dear Willis,

I refer to Mike Pattison's letter of 7 December to Ian Ellison about the proposed review of powers of entry to business premises.

My Secretary of State has asked Mr Alex Fletcher, his Minister with responsibility for Industry and Education, to represent the Scottish Office in this exercise. No doubt you will consult his office about how it is intended to proceed.

I am copying this letter to Mike Pattison, the Private Secretaries to other members of the Cabinet, Genie Flanagan (Minister of Transport), Murdoch Maclean (Chief Whip's Office), Bill Becket (Law Officers' Department) and to Martin Vile (Cabinet Office).

*Yours sincerely,
Godfrey Robson*

GODFREY ROBSON
Private Secretary



Caxton House Tothill Street London SW1H 9NA

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

Tony Willis Esq
Private Secretary to the
Parliamentary Under Secretary of State
Department of Industry
Ashdown House
123 Victoria Street
LONDON SW1

21 December 1979

Dear Tony,

Mike Pattison sent Ian Fair a copy of his letter of 7 December 1979 reporting the Prime Minister's conclusion on the review of powers of entry to business premises and asking each Departmental Minister to nominate a junior Minister in his Department to undertake the review in consultation with Mr Mitchell.

I am writing to let you know that the Secretary of State for Employment has nominated Mr Patrick Mayhew, Parliamentary Under Secretary of State in this Department to undertake the review in this Department.

I am copying this to Mike Pattison (No 10) and to recipients of his letter.

Your Sincerely

ANDREW HARDMAN
Private Secretary



From the Secretary of State

PRIME MINISTER

To see Mr Nott's comments
on Inland Revenue/
Customs rights of
entry.

MAP 21/
xii

20 December 1979

pro

CONFIDENTIAL

Ian Ellison Esq
Private Secretary to the
Secretary of State for Industry
Ashdown House
123 Victoria Street
London, SW1

Dear Ian,

RIGHTS OF ENTRY INTO BUSINESS PREMISES

Mike Pattison's letter of 7 December asked Departmental Ministers to nominate a Junior Minister to undertake with Mr David Mitchell the review of powers of entry to business premises. My Secretary of State has nominated Mr Reginald Eyre, Parliamentary Under-Secretary of State for Companies and Consumer Affairs.

My Secretary of State has commented that he presumes the review being conducted by the Minister of State at the Treasury will lead to early action in the Budget sharply to curb the entry powers of the Inland Revenue and Customs and Excise. He has noted that this review is not to be mixed up with Mr Mitchell's exercise. He considers it would be intolerable to allow the wider examination to be used as a reason for delaying Finance Bill action. Recent events and judicial obiter dicta on their implications for freedom indicate that Parliament has granted far too wide a discretion to the administration in this area. There should be no "political embarrassment" about restoring the protection of ordinary citizens against arbitrary decisions by the administration - even where those actions are supported by a Judge in chambers.

I am copying this letter to Mike Pattison (No 10) and to the recipients of his letter.

Yours sincerely,

Stuart Hampson

S HAMPSON
Private Secretary

CONFIDENTIAL



✓ MAD
Home Affairs
Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's Private Office

A C Willis Esq
Private Secretary to the Parliamentary
Under Secretary for Industry
Department of Industry
123 Victoria Street
London SW1E 6RB

20 December 1979

Dear Tony

Mike Pattison sent us a copy of his letter of ~~6~~ December to Ian Ellison in which he said that the Prime Minister would like the Government to review all existing powers of entry to business premises, in particular those which affect small firms.

My Minister would like to nominate his Parliamentary Secretary, Mr Jerry Wiggin, to represent him on the review team.

I am copying this letter to Private Secretaries to other members of the Cabinet, the Minister of Transport, Murdo Maclean, Bill Beckett and to Martin Vile.

Your sincerely
Frances Thompson

Miss F H Thompson
Assistant Private Secretary



✓ MAA

SECRETARY OF STATE FOR ENERGY
THAMES HOUSE SOUTH
MILLBANK LONDON SW1P 4QJ
01 211 6402

M Pattison Esq
Private Secretary to
the Prime Minister
No 10 Downing Street
LONDON SW1

19 December 1979

Dear Mike,

POWERS OF ENTRY

With reference to your letter of 7 December to Ian Ellison, my Secretary of State has nominated Mr Lamont to undertake the review of powers of entry available to this Department and the nationalised energy industries, in consultation with Mr Mitchell.

I am copying this letter to the recipients of yours and to the Private Secretary to Mr Mitchell.

Yours ever,

Denis

DENIS WALKER
PRIVATE SECRETARY

Handwritten initials/signature

From THE PRIVATE SECRETARY

Handwritten initials/signature

RESTRICTED



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

11 December 1979

Dear Anthony

POWERS OF ENTRY TO BUSINESS PREMISES

In his letter of 7 December to Ian Fair, ^{*Elvis*} Mike Pattison recorded the Prime Minister's request to each Departmental Minister to nominate a Junior Minister to undertake the review of powers of entry to business premises. You will wish to be aware that the Home Secretary has asked the Minister of State, Mr Leon Brittan MP, to conduct this review in the Home Office.

I am sending copies of this letter to Mike Pattison and Martin Vile.

Yours sincerely
Tony Butler

(A J BUTLER)

A C S Willis Esq

RESTRICTED



Original in G/K

JKH
cc Cash.

CF to note

10 DOWNING STREET

11 December 1979

THE PRIME MINISTER

Dear Mr. Dempsey,

You wrote to me on 7 December enclosing a letter from Mr. Aldo Sidonio, Chairman of the Monklands Branch of the National Federation of Self-Employed and Small Businesses.

I have seen the pamphlet entitled "An Inspector at the Door" to which Mr. Sidonio refers. It is an impressive piece of research. Partly as a result of the compilation of rights of entry set out in the pamphlet, I have asked my Cabinet colleagues to review the rights of entry of the various inspectors for which they are responsible. This will take some time, but I hope we will find scope for some rationalisation.

Yours sincerely,

Robert Deakin

James Dempsey, Esq., MP.



Home
Affairs

VB

10 DOWNING STREET

THE PRIME MINISTER

10 December, 1979.

Dear David,

You wrote to me on 23 October about the recently published paper on the rights of entry of inspectors into business premises.

In my reply, I said that we would certainly follow this up once we had had a chance to look at the paper.

I thought that you would like to know that I am now asking my colleagues to look into the number of inspectors and powers of entry for which they are responsible. This will take a few months, but it will be a worthwhile exercise, and I am grateful to you for raising the matter with me.

Yours ever,

(SGD) MT

David Atkinson, Esq., M.P.

51



10 DOWNING STREET

PRIME MINISTER

Now that you have
commissioned a
"rights of entry" review,
you might like to
write again to
Mr Atkinson

MAP
7/xii

RESTRICTED



Home Affairs

10 DOWNING STREET

From the Private Secretary

7 December 1979

Dear Ian

As you know, the Prime Minister saw last month the results of the research carried out by the National Federation of Self-Employed and Small Businesses, with the Adam Smith Institute, into the rights of entry of inspectors into business premises. They have identified 250 different rights enjoyed by over 200 types of inspector, and they expect more to be uncovered after the report is published.

After consulting your Secretary of State, the Prime Minister has concluded that the Government should review all the existing powers of entry to business premises, especially those which affect small firms, and should consider whether particular powers might be given up or limited in scope. The review will cover all the powers of entry available to the officials of central Government, nationalised industries and local authorities (but not the police where a Royal Commission is currently examining their powers).

With the agreement of your Secretary of State, the Prime Minister has arranged that Mr. David Mitchell, Parliamentary Under Secretary of State at the Department of Industry with responsibility for small businesses, should supervise the exercise, to make sure that every Department approaches it from a similar stand point.

The Prime Minister has asked that each Departmental Minister should nominate a Junior Minister in his Department to undertake the review in consultation with Mr. Mitchell, and should inform Mr. Mitchell as soon as possible of their nominee. The Prime Minister hopes that the review can be completed within six months. She would like Departmental Ministers to report their conclusions to her at the end of that period, and she will be asking Mr. Mitchell to collate the findings.

The Minister of State at the Treasury is at present undertaking a review of the enforcement proceedings of Customs and Excise, and the Inland Revenue, as promised in the Conservative Election Manifesto. The Prime Minister agrees with the Chancellor

/ that the

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- 2 -

that the two reviews should not be mixed up. She would, however, like Mr. Rees to extend his investigation of the two bodies to cover powers of entry, and in this respect she would like him to keep in touch with Mr. Mitchell and work on the same basis.

The Prime Minister had intended to mention this review to her colleagues at Cabinet yesterday morning. In the event, there was not time to do so. She nevertheless announced her intention to have such a review undertaken in her Written Answer to a question from Mr. Richard Alexander, which was released yesterday afternoon.

I am sending copies of this letter to the Private Secretaries to other members of Cabinet, including the Minister of Transport, to Murdo Maclean (Chief Whip's Office), Bill Beckett (Law Officers' Department) and to Martin Vile (Cabinet Office).

MAP

Ian Ellison, Esq.,
Department of Industry.

RESTRICTED

Home Affairs. 1.

- (1) MR SANDERS
- (2) PRIME MINISTER

X is my responsibility; fortunately the Depts concerned had been informed in advance of the terms of draft Answer, but the slip should not have happened and I can only apologise for it
ms

Rights of Entry

You did not have time in Cabinet to mention your intention to review rights of entry. As you know, this intention was to be made public in a Written Answer yesterday afternoon.

x |

Although we intended to substitute a temporising answer, this was unfortunately amalgamated with, not substituted for, the original. In the circumstances, you may think that your intentions about the review should be made known to your colleagues immediately. If we leave it till Cabinet next week, we may come under pressure both from the Press and from colleagues which will make much more of the exercise than is justified.

xx |

I suggest that I should now write around to the offices of your Cabinet colleagues along the lines of the attached speaking note which had been prepared for use in Cabinet yesterday.

Agree?

MAP

Mr. Callaghan

As I have you on the phone, the P.M. agrees Xxl done.

JW
702

7 December 1979

Ref: A0861



PRIME MINISTER.

There is also a relevant PQ in tonight's box.

You might mention this to the Chancellor, in view of Mr. Kee's enquiry.
MAD 5/11

MR. PATTISON

Review of the Rights of Entry of Inspectors
into Business Premises

I attach a short Speaking Note, and some Notes for Supplementaries, for the Prime Minister's use at Cabinet tomorrow when she launches the review of rights of entry to be supervised by Mr. David Mitchell.

(M. J. Vile)

5th December 1979



SPEAKING NOTE

Review of the Rights of Entry to Business Premises

Last month, my attention was drawn to a major piece of research which had been carried out by the National Federation of Self-employed and Small Businesses and the Adam Smith Institute into the rights of entry of inspectors into business premises. They have identified 250 different rights enjoyed by over 200 different types of inspector, and they expect more to be uncovered after the report is published.

2. I have consulted the Secretary of State for Industry and we agree that the Government should review all the existing powers of entry to business premises, especially those which affect small firms, and should consider whether particular powers might be given up or limited in scope. The review will cover all the powers of entry available to the officials of central Government, nationalised industries and local authorities (but not the police, where a Royal Commission is currently examining their powers).

3. David Mitchell, Parliamentary Under-Secretary of State, Department of Industry, who is responsible for small businesses, will supervise the exercise, to make sure that every Department approaches it from a similar standpoint.

4. I would like each Departmental Minister to nominate a junior Minister in his Department to undertake the review in consultation with David Mitchell, and to inform David Mitchell as soon as possible of their nominee. It should be possible to complete it within six months. Departmental Ministers should report their conclusions to me at the end of that period. Mr. Mitchell will collate your findings.

5. Peter Rees is at present undertaking a review of the enforcement procedures of Customs and Excise and the Inland Revenue, as we promised in our Election Manifesto. I agree with the Chancellor that we should not mix up the two reviews. Perhaps the best course would be for Mr. Rees to extend his investigation of the two bodies to cover powers of entry, but he will have to keep in touch with David Mitchell and work on the same basis.

6. I propose to announce our intention of conducting a review of rights of entry into business premises in a Written Answer this afternoon.

NOTES ON SUPPLEMENTARY POINTS

The review concerns business premises, particularly small firms. It will, therefore, have to cover industrial premises and offices. To keep it manageable, it would be best not to review powers of entry into the home and into shops.

The review should cover public sector bodies, including Government Departments and Quangos such as the Health and Safety Executive, local authorities and nationalised industries, but not the police.

The Royal Commission on Criminal Procedure is already examining police powers generally, including their powers of entry. In many respects police powers of entry without warrant are more restricted than those of other bodies. It would be best not to duplicate the review of the Royal Commission: and to exclude the police from the new review.

The proposal is that Mr David Mitchell should take charge of the review, to see that Departments ask the same kind of questions and apply the same standards of judgement. Most of the work would be done in Departments under the supervision of a nominated junior Minister. It would be for Departmental Ministers to reach conclusions about the powers of entry for which they are responsible and to report to the Prime Minister.

The proposal in the Speaking Note for reviewing Customs and Excise and the Inland Revenue visualises that Mr Rees would deal with all questions relating to those two bodies, and would report separately to the Chancellor of the Exchequer and the Prime Minister.

Thursday 6 December 1979

*22

Mr Richard Alexander (Newark): To ask the Prime Minister, if she will bring forward legislation setting out the rights and duties of officials from all Government departments who have a right of entry to business premises under existing legislation, together with the practice to be adopted in the exercise of such powers.

(Answered by the Prime Minister)

CIRCULATED AS WRITTEN:

I shall be asking Ministers in charge of the Departments concerned to review all those categories of inspectors with statutory powers to enter business premises with a view to seeing that there are no more inspectors than are needed, and their powers are no greater than are necessary, for the efficient functioning of the authorities concerned.

I shall also ask them to consider whether any further measures are needed to ensure that businessmen and private persons likely to be affected are fully informed as to the rights and duties of these inspectors.

I am still considering how best to proceed on this issue.

*na NAD.**Home Affairs*

DEPARTMENT OF INDUSTRY
 ASHDOWN HOUSE
 123 VICTORIA STREET
 LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 3301
 SWITCHBOARD 01-212 7676

PS/ *Secretary of State for Industry*

5 December 1979

Mike Pattison Esq
 Private Secretary to the Prime Minister
 10 Downing Street
 London SW1

Dear Mike

Thank you for your letter of ~~28~~ November about a Government review of the rights of entry conferred by existing legislation. My Secretary of State confirms that he is content for Mr Mitchell to be involved in the coordination of a review of these rights, but he is concerned about the method by which such a review will be conducted. In my letter of ~~12~~ November, I outlined the method that we believed would be the most effective, namely that all Ministers in charge of Departments should be asked to nominate a junior Minister who would have oversight of this work inside his Department and that Mr Mitchell here might be appointed as coordinator. Your letter does, however, appear to envisage a different method of working involving Mr Mitchell and Department of Industry officials actually conducting the examinations in the Departments.

My Secretary of State fully appreciates the need for a uniformity of approach among Departments to this review and the role which someone outside the directly interested Departments can play in ensuring that momentum is maintained. Nevertheless, he has doubts about whether any Minister in any Department can play the same sort of role as Sir Derek Rayner or Sir Leo Pliatzky have played in their respective reviews. In addition, the method of working proposed would, in the view of my Secretary of State, give rise to a number of other difficulties. Not only would the review be carried out by personnel unfamiliar with the subject areas, but there would inevitably be a learning period and moreover a real danger that Departments would adopt a defensive attitude towards what would be seen as an "outside" enquiry.

Finally, my Secretary of State would like to emphasise that to carry out an examination of at least 252 inspectorates - if not only Government Departments but also nationalised industries and local authorities are included - their legal backing and all other associated factors and to secure a comprehensive and conclusive report in less than 6 months will be a considerable task.

/My ...



My Secretary of State therefore considers that the review will be more effective if it is conducted in the way proposed in my earlier letter. Recognising the need for a uniformity of approach, he would propose that Mr Mitchell should draw up, in consultation with the nominated junior Ministers in the relevant Departments a firm framework within which the review can be conducted and he suggests that Mr Mitchell's role might involve ensuring that Departments' reviews were conducted within this framework. However, my Secretary of State feels that a subject of this importance should be given, within each Department, the weight of the Minister in charge of the Department behind it, and he would therefore also suggest that Departmental reviews should ultimately be submitted through the Ministerial heads of the Departments. The precise procedure can perhaps be considered when, as I understand is intended, Cabinet discusses the subject.

I am copying this letter to Martin Vile.

Yours sincerely
Peter Mason

PETER MASON
Private Secretary

TOP COPY WITH
QUESTIONS.



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

CC PS1CS1
PS1FST
PS1MSTC
PS1MSTL
SIR D WYSS
SIR L. AIREY
MR LITTLE
MR LOVELL
MR CORLETT
MR CROPPER
+5

MAP has seen.

PRIME MINISTER

RIGHTS OF ENTRY TO BUSINESS PREMISES

I understand that you have been in touch with Keith Joseph about a Question from Richard Alexander down for answer by you on Thursday next, 6th December. A draft Answer supplied by DOI would commit the Government to an urgent enquiry into all Inspectorates of central and local government and nationalised industries and seems to point to its being centred on a DOI Minister who would report back to you.

2. I do recognise that there is public concern about the general issue of powers of entry. But in relation to Customs and Excise and the Inland Revenue an Answer in those terms would cut across the specific commitment in our manifesto to undertake a thorough enquiry into their enforcement powers. Peter Rees has been making a special study of this. He has had detailed reports from the two Departments, has discussed them with the Chairmen and has reported his conclusions to me. We are awaiting the decision in the Rossminster case - expected on 13th December - before putting proposals into final shape. At that stage I intended to put them to you. The issues are complex, raising as they do both the rights of the individual and the need to prevent large-scale loss of revenue. I have not yet made up my mind precisely how they should be tackled, but they demand consideration on their own merits and should

/not be



not be subsumed into a general review covering a mix of inspectorates. Certainly I should in any case not be content for matters which vitally affect revenue gathering to be left to an enquiry under a Minister from another Department.

..... 3. I understand, of course, that you would like your reply to reflect your general sympathy with the Question. May I suggest that if it were reworded as in the attached draft, it would do that without running the risks I have pointed to.

4. A number of colleagues have an interest in this matter. I am copying this letter to the Home Secretary, the Secretaries of State for Industry, Defence and Employment, the Minister of Agriculture, the Secretaries of State for Environment, Social Services and Trade and Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G.H.' or similar initials.

(G.H.)

3 December, 1979

ORAL

THURSDAY 6 DECEMBER 1979

Con - Newark

MR RICHARD ALEXANDER: To ask the Prime Minister, if she will bring forward legislation setting out the rights and duties of officials from all Government departments who have a right of entry to business premises under existing legislation, together with the practice to be adopted in the exercise of such powers.

DRAFT REPLY

I am asking Ministers in charge of Departments [or responsible for central Government relations with the local authorities and nationalised industries] to review all those categories of inspectors with statutory powers to enter business premises with a view to seeing that there are no more inspectors than are needed, and their powers are no greater than are necessary, for the efficient functioning of the authorities concerned.

I am also asking them to consider whether any further measures are needed to ensure that businessmen and private persons likely to be affected are fully informed as to the rights and duties of these inspectors.



10 DOWNING STREET

From the Private Secretary

28 November 1979

JB/F 3-12-79
JB/F 5-12-79
for Cabinet

You wrote to Nick Sanders on 12 November about the National Federation of Self Employed and Small Businesses/ Adam Smith Institute publication "An Inspector at the Door". We have since discussed this.

The Prime Minister would like to mount a Government review of the rights of entry conferred by existing legislation. She is reluctant to set in hand reviews run independently in each Department, and she would therefore like Mr. Mitchell to take charge of this exercise, to make sure that it is approached from a similar standpoint in every Department.

2 | The Prime Minister would propose to launch the review by
1 | raising the matter with colleagues at Cabinet. If necessary,
a note can be circulated thereafter, although I would hope that
the Cabinet minutes will provide a sufficiently clear statement
of what is to be done. It might be convenient for the
Prime Minister to raise the matter at Cabinet on Thursday
6 December. Could you please let me know as soon as possible
whether your Secretary of State is content for Mr. Mitchell to
be asked to undertake the proposed role.

I am sending a copy of this letter to Martin Vile (Cabinet Office).

M. A. PATTISON

Peter Mason, Esq.,
Department of Industry.

6

await industry
comments on
support for the Mitchell

PRIME MINISTER

I attach Sir Keith Joseph's suggestions for the Government's response to the pamphlet "An Inspector at the Door", which lists numerous rights of entry conferred by existing legislation.

Sir Keith is suggesting another across-the-board review. He suggests that it should be handled independently with each Department, with Mr. Mitchell wielding a general umbrella. You are reluctant to set large scale reviews in motion. If we are to have one, I hope we can give it more drive from the centre than suggested by Sir Keith: his proposal runs the risk of varying criteria from Department to Department, and the lack of any real cutting edge. One effective individual needs to be firmly in charge, although working through colleagues in each Department - the Rayner precedent, although both Sir Derek Rayner and Sir Leo Pliatzky are fully occupied and it might be inappropriate to bring in another senior outsider at this stage.

The pamphlet was produced by an organisation concerned with small businesses. I think this gives Mr. Mitchell enough status to be asked by you to handle the exercise but he would need to be given your specific authority to do so, and you would need to ask Sir Keith to nominate an able senior official to work on it.

Yes please
one

Would you like to go ahead on that basis? If so, would you want us to send out a circular instruction or would you prefer to launch this by a mention at Cabinet?

MAP
Denton et
Cabinet - followed
by a memo - unless
a Cabinet minute is
enough.
me

16 November 1979



DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 3301
SWITCHBOARD 01-212 7676

PS/ *Secretary of State for Industry*

12 November 1979

Nick Sanders Esq
Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1

Dear Nick

"AN INSPECTOR AT THE DOOR"

Your letter of 25 October indicated that the Prime Minister would welcome my Secretary of State's advice on how the Government might best follow up the National Federation of Self Employed/Small Businesses/Adam Smith Institute publication "An Inspector at the Door".

My Secretary of State agrees that the Government should review all of the existing powers of entry and should consider whether particular powers might be given up or amended. He understands that Mr Peter Rees, Minister of State at the Treasury, is at present reviewing Customs and Excise and Inland Revenue procedures in accordance with the Conservative Election Manifesto commitment. He suggests a review along these lines should be conducted throughout Whitehall, possibly embracing both the nationalised industries and local authorities also.

My Secretary of State regards this as an important subject, and the approach he would like to recommend is that all Ministers in charge of Departments should be asked to nominate a junior Minister who would have oversight of this work inside his Department and who should be asked to submit a report in 6 months' time on progress. Some coordination is clearly necessary and although (or possibly because) this Department has few if any such powers, he would like to put forward the idea that Mr David Mitchell here might be the appropriate coordinator. The subject is, he recognises, perhaps suitable for consideration at a more senior level, but since it is particularly among the small business community that interest is greatest, he believes that this consideration would make Mr Mitchell a suitable focus.

My Secretary of State therefore recommends that the Prime Minister might send a minute to her colleagues calling for a review on these lines; I attach a draft of a minute which the Prime Minister might wish to consider.

/I ...



2

I am copying this letter to Martin Vile.

Yours sincerely
Peter Mason

PETER MASON
Private Secretary



Draft Minute from the Prime Minister

MINISTERS IN CHARGE OF DEPARTMENTS

The recent National Federation of Self-Employed and Small Businesses/Adam Smith Institute publication "An Inspector at the Door" identified and listed over 250 powers of entry into business and private premises available to central government, local authorities and other public bodies.

The Chancellor of the Exchequer is currently reviewing the enforcement procedures of the Inland Revenue and the Customs and Excise. But I believe that insofar as it is practicable to do so this Administration should seek to limit the powers of entry of officials of all kinds; and that a more wide-ranging review is therefore necessary.

I accordingly invite each Minister to nominate a junior Minister in his Department to review all of the powers of entry available to officials of his Department and of public bodies for which it is responsible with a view to:-

- a) dispensing with the powers altogether wherever possible; and, where it is not;
- b) limiting their scope and availability and codifying procedures where this has not already been done.

The subject is of widespread interest but is particularly important to the small business community. I have, therefore, asked David Mitchell, Parliamentary Under-Secretary of State at the Department of Industry to coordinate the review and report the results to me. I should be glad, therefore, if Ministers would arrange for the results of the Departmental reviews to be reported to David Mitchell within six months.



filed to

D. D. ATKINSON

10 DOWNING STREET

(Secretary)

23/10

From the Private Secretary

25 October 1979

I attach a self-explanatory exchange of correspondence between David Atkinson, MP, and the Prime Minister about the rights of entry of Inspectors into business premises.

The Prime Minister would be glad to have your Secretary of State's advice on how this matter might be followed up. It clearly involves a very large number of Departments, but at this stage I am not copying the correspondence more widely. A copy does go, however, to Martin Vile (Cabinet Office).

N. J. SANDERS

Peter Mason, Esq.,
Department of Industry.

5/78



file TW
cc Industry
CO

10 DOWNING STREET

THE PRIME MINISTER

25 October 1979

Dear David,

Thank you so much for your letter of 23 October. We shall look out for the report with great interest and I shall ensure that it is followed up in whatever way seems most sensible when we have seen it.

Yours
David

David Atkinson, Esq., M.P.

CP

PRIME MINISTER

This letter from David Atkinson is worth reading. The question it raises affects almost every Department in Whitehall. What we might do is invite Sir Keith Joseph, as Minister responsible for small firms, to look into it when the report and article are published. He is likely to pursue the case much more enthusiastically than the sponsoring Ministers.

Shall we ask him on your behalf to look into the whole question if it seems sensible to him in the light of the publication itself?

There might be advantage in your writing to David Atkinson straight away. You could write as in the attached draft.

MS

24 October 1979

24 October 1979

I am writing on behalf of the Prime Minister to thank you for your letter of 23 October about the forthcoming publication on the rights of entry of inspectors into business premises.

I will place your letter before the Prime Minister and you will be sent a reply as soon as possible.

NJS

David Atkinson, Esq., M.P.

From: David Atkinson, M.P.



HOUSE OF COMMONS
LONDON SW1A 0AA

Tel. 01-219 3598

KEI Gow

The Rt. Hon. Mrs. Margaret Thatcher MP
No 10 Downing Street,
London SW1

23rd October 1979

Dear Prime Minister, R

The National Federation of Self Employed and Small Businesses and the Adam Smith Institute (publishers of Philip Holland's pamphlet "Quango, Quango, Quango") are publishing a major piece of research this weekend on the rights of entry of inspectors into business premises.

They have identified 252 different rights of entry enjoyed by 201 different types of inspector. Since their report went to the printers they have uncovered even more rights of entry and they confidently expect that the publicity they will get on publication will uncover even more.

These rights of entry are liberally sprinkled throughout many Acts of Parliament over the past 100 years or so. They are not at all consistent and are often difficult to find. The report's main recommendation is that there should be a codification of these rights and the establishment of a code of practice for inspectors in order to avoid the many unpleasant incidents which have occurred in recent years, particularly with the VAT inspectors.

The report will be widely distributed and I understand that NOW magazine will feature a 6-8 page article based on it this Friday. I hope to pursue the matter in the House with colleagues in various ways and I imagine that the Federation will be devoting a lot of energy to publicising and lobbying in the coming months.

My purpose in writing to you is to suggest that, in the light of this report, Ministers should instigate their own investigations into the number of inspectors and the powers of entry that exist in their departments in the same way as you authorised studies into manpower and "Quangos". Thus will it be seen that the Government is prepared to question the power of the State at every opportunity.

I do hope that you will give this suggestion your consideration.

Yours ever,
David.