

Who can Access a Storage Unit

Police and most other authorities may only access a Space where they have a warrant addressed to the Storer, not the self storage business, or they are enforcing a power granted to them under legislation (they will give you identification in this situation). In these circumstances it is the Authority who will access the Space by cutting the lock, and **not** you the Facility Owner. However, if you have a key to that unit, the Authorities may force you to open the unit for them as you have control over the space. If you have a key, then the warrant could be made out to the business or business owner rather than the Storer. While police need a warrant to gain access to a unit, you can give them information on who is storing with you including contact details and unit numbers if they request it in writing. This is covered under the data protection section of the standard agreement and may assist the Police in gaining a warrant to access the space if required

The exception to this is **Trading Standards** officers who have the right to enter any commercial building at any reasonable time. They do not require a specific warrant or court order and can enter any self storage unit under their general access provisions, but they do need to show you proof of who they are. Once again it is up to the Trading Standards officers to actually enter the unit using whatever means they see necessary. You may lend them bolt cutters or some other means of forcibly gaining entry, but the action should be taken by the Trading Standard officers **not** staff of the self storage business.

If Trading Standards request access to one of your units, you should take a copy of their identification, or copy down the details of the officer. You can provide them with the means to access the unit within the Facility, but the Trading Standards officer *should be the one to break the lock*, or otherwise force access to the unit if you don't hold the key. After they have finished their business inside the unit, you should remind them that it is their responsibility to re-secure the unit if they have broken the lock. If they choose not to re-secure the unit, then you should **not** attach your own padlock or re-secure the unit. You should contact the Storer and advise them that Trading Standards have accessed their Space and that they should come down and re-secure their unit. Remember if you place your own lock back on the unit, then you become a bailee and are liable to protect the contents of that unit. Given that Trading Standards have just been inside the unit, and you have no idea what they have done, or taken, or why they were investigating in the first place, it may not be a wise business decision to take on responsibility for the contents of that unit. Better to leave the issue between Trading Standards and the Storer concerned.

Remember

The Standard Self Storage Agreement does not give you authority to access or grant access to the Storer's Space, nor does it allow you to deny access to the Storer upon the request of an authority, lawyer, ex-partner or any other person, unless you are holding keys or operating a Storage Room where you are deemed to be in possession of the Storer's goods.

When in Doubt

There are many agencies and authorities which have the power to investigate matters using search and/or seize powers. The manner in which these powers are executed varies depending upon the agency or authority employing the power. The documentation you are presented with should set out in detail just what it is the authority/agency is entitled to do, what it is that you, as the person on whom the legal request is served, must do to comply, and what will happen if you do not. As there are so many government bodies that could seek to access a Storer's Space, and the methods employed to do so vary, it is impossible to cover all scenarios in detail in this MAP. If you are at all in doubt as to the legality of a request of this nature which is made on your facility, you

should contact your solicitor or the Association. This is the best course of action. The key is to read the document carefully, do as it says and make a file note keeping an accurate record of any demands.

Summary

- You have the right under the Standard Storage Agreement to give out a Storer's personal information to the police if they ask for it without a formal warrant. We suggest you get such requests in writing.
- The police need a warrant made out in the storers name (not just the storage business) to access a self storage unit. The warrant would typically be addressed to the storer but refer access of their storage unit at the address of the storage company.
- Trading Standards have the right to enter any unit or view any Storer's information during normal business hours without a formal or specific warrant.
- You should not break the lock or force access to a unit, the officers responsible should do this. You can give them tools to assist in this if required.
- If you keep keys to the unit concerned, then you must open the unit and any warrants can be made out in your name.
- You should not re-secure a unit after the authorities have opened it, they should resecure it or you should notify the customer to come and resecure it.

Author: SSA UK