

SCHEDULE

ENFORCEMENT

Powers of officers of enforcement authority

- 3 (1) If a duly authorised officer of an enforcement authority has reasonable grounds for suspecting that an offence under section 1 of this Act has been committed, he may—
- (a) require a person carrying on or employed in a business to produce any book or document relating to the business, and take copies of it or any entry in it, or
 - (b) require such a person to produce in a visible and legible documentary form any information so relating which is contained in a computer, and take copies of it,
- for the purpose of ascertaining whether such an offence has been committed.
- (2) Such an officer may inspect any goods for the purpose of ascertaining whether such an offence has been committed.
- (3) If such an officer has reasonable grounds for believing that any documents or goods may be required as evidence in proceedings for such an offence, he may seize and detain them.
- (4) An officer seizing any documents or goods in the exercise of his power under sub-paragraph (3) above shall inform the person from whom they are seized.
- (5) The powers of an officer under this paragraph may be exercised by him only at a reasonable hour and on production (if required) of his credentials.
- (6) Nothing in this paragraph—
- (a) requires a person to produce a document if he would be entitled to refuse to produce it in proceedings in a court on the ground that it is the subject of legal professional privilege or, in Scotland, that it contains a confidential communication made by or to an advocate or a solicitor in that capacity, or
 - (b) authorises the taking possession of a document which is in the possession of a person who would be so entitled.
- 4 (1) A duly authorised officer of an enforcement authority may, at a reasonable hour and on production (if required) of his credentials, enter any premises for the purpose of ascertaining whether an offence under section 1 of this Act has been committed.
- (2) If a justice of the peace, or in Scotland a justice of the peace or a sheriff, is satisfied—
- (a) that any relevant books, documents or goods are on, or that any relevant information contained in a computer is available from, any premises, and that production or inspection is likely to disclose the commission of an offence under section 1 of this Act, or
 - (b) that such an offence has been, is being or is about to be committed on any premises,
- and that any of the conditions specified in sub-paragraph (3) below is met, he may by warrant under his hand authorise an officer of an enforcement authority to enter the premises, if need be by force.
- (3) The conditions referred to in sub-paragraph (2) above are—

Status: This is the original version (as it was originally enacted).

- (a) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under that sub-paragraph has been given to the occupier,
 - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry,
 - (c) that the premises are unoccupied, and
 - (d) that the occupier is temporarily absent and it might defeat the object of the entry to await his return.
- (4) In sub-paragraph (2) above “relevant”, in relation to books, documents, goods or information, means books, documents, goods or information which, under paragraph 3 above, a duly authorised officer may require to be produced or may inspect.
- (5) A warrant under sub-paragraph (2) above may be issued only if—
- (a) in England and Wales, the justice of the peace is satisfied as required by that sub-paragraph by written information on oath,
 - (b) in Scotland, the justice of the peace or sheriff is so satisfied by evidence on oath, or
 - (c) in Northern Ireland, the justice of the peace is so satisfied by complaint on oath.
- (6) A warrant under sub-paragraph (2) above shall continue in force for a period of one month.
- (7) An officer entering any premises by virtue of this paragraph may take with him such other persons as may appear to him necessary.
- (8) On leaving premises which he has entered by virtue of a warrant under sub-paragraph (2) above, an officer shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.
- (9) In this paragraph “premises” includes any place (including any vehicle, ship or aircraft) except premises used only as a dwelling.