

*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Paragraph 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### POWERS OF ENTRY AND INSPECTION

##### Modifications etc. (not altering text)

- C1 Sch. 9 applied (with modifications) (1.3.2000) by S.I. 1999/2093, reg. 34, Sch. 3 para. 5(3)
- C1 Sch. 9 extended (with modifications) (11.12.2003) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), reg. 31, Sch. 1 (with regs. 4, 15(3), 28, 29)

##### *Issue of warrants*

- 1 (1) If a circuit judge [<sup>F1</sup>or a District Judge (Magistrates' Courts)] is satisfied by information on oath supplied by the Commissioner that there are reasonable grounds for suspecting—
- (a) that a data controller has contravened or is contravening any of the data protection principles, or
  - (b) that an offence under this Act has been or is being committed,
- and that evidence of the contravention or of the commission of the offence is to be found on any premises specified in the information, he may, subject to sub-paragraph (2) and paragraph 2, grant a warrant to the Commissioner.
- (2) A judge shall not issue a warrant under this Schedule in respect of any personal data processed for the special purposes unless a determination by the Commissioner under section 45 with respect to those data has taken effect.
- (3) A warrant issued under sub-paragraph (1) shall authorise the Commissioner or any of his officers or staff at any time within seven days of the date of the warrant to enter the premises, to search them, to inspect, examine, operate and test any equipment found there which is used or intended to be used for the processing of personal data and to inspect and seize any documents or other material found there which may be such evidence as is mentioned in that sub-paragraph.

##### Textual Amendments

- F1 Words in Sch. 9 para. 1(1) inserted (1.4.2005) by Courts Act 2003 (c. 39), ss. 65, 110, Sch. 4 para. 8; S.I. 2005/910, art. 3(u)

##### Modifications etc. (not altering text)

- C1 Sch. 9 para. 1: power of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, 138(2)-(4), Sch. 1 Pt. 1 para. 65; S.I. 2003/708, art. 2

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