

Status: Point in time view as at 30/11/2002.

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Cross Heading: Issue of warrants. (See end of Document for details)

SCHEDULES

SCHEDULE 3

POWERS OF ENTRY AND INSPECTION

Modifications etc. (not altering text)

- C1** Sch. 3 applied (with modifications) (31.12.2009) by [The INSPIRE Regulations 2009 \(S.I. 2009/3157\)](#), {reg. 11(1)-(3)(9)}

Issue of warrants

- 1 (1) If a circuit judge is satisfied by information on oath supplied by the Commissioner that there are reasonable grounds for suspecting—
- (a) that a public authority has failed or is failing to comply with—
 - (i) any of the requirements of Part I of this Act,
 - (ii) so much of a decision notice as requires steps to be taken, or
 - (iii) an information notice or an enforcement notice, or
 - (b) that an offence under section 77 has been or is being committed,
- and that evidence of such a failure to comply or of the commission of the offence is to be found on any premises specified in the information, he may, subject to paragraph 2, grant a warrant to the Commissioner.
- (2) 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—
- (a) to enter and search the premises,
 - (b) to inspect and seize any documents or other material found there which may be such evidence as is mentioned in that sub-paragraph, and
 - (c) to inspect, examine, operate and test any equipment found there in which information held by the public authority may be recorded.

Modifications etc. (not altering text)

- C1** Sch. 3 para. 1: powers of seizure extended (1.4.2003) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\)](#), [Sch. 1 Pt. 1 para. 73](#); [S.I. 2003/708, art. 2](#)

Commencement Information

- II** Sch. 3 para. 1 wholly in force at 1.1.2005; Sch. 3 para. 1 not in force at Royal Assent, see s. 87(3); Sch. 3 para. 1 in force for certain purposes at 30.11.2002 by [S.I. 2002/2812, art. 2\(d\)\(e\)](#); Sch. 3 para. 1 in force for certain further purposes at 1.1.2005 by [S.I. 2004/1909, art. 2](#) and otherwise in force at 1.1.2005 by [S.I. 2004/3122, art. 2](#)

- 2 (1) A judge shall not issue a warrant under this Schedule unless he is satisfied—

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- (a) that the Commissioner has given seven days' notice in writing to the occupier of the premises in question demanding access to the premises, and
- (b) that either—
 - (i) access was demanded at a reasonable hour and was unreasonably refused, or
 - (ii) although entry to the premises was granted, the occupier unreasonably refused to comply with a request by the Commissioner or any of the Commissioner's officers or staff to permit the Commissioner or the officer or member of staff to do any of the things referred to in paragraph 1(2), and
- (c) that the occupier, has, after the refusal, been notified by the Commissioner of the application for the warrant and has had an opportunity of being heard by the judge on the question whether or not it should be issued.

(2) Sub-paragraph (1) shall not apply if the judge is satisfied that the case is one of urgency or that compliance with those provisions would defeat the object of the entry.

Commencement Information

I2 Sch. 3 para. 2 wholly in force at 1.1.2005; Sch. 3 para. 2 not in force at Royal Assent, see s. 87(3); Sch. 3 para. 2 in force for certain purposes at 30.11.2002 by S.I. 2002/2812, art. 2(d)(e); Sch. 3 para. 2 in force for certain further purposes at 1.1.2005 by S.I. 2004/1909, art. 2 and otherwise in force at 1.1.2005 by S.I. 2004/3122, art. 2

3 A judge who issues a warrant under this Schedule shall also issue two copies of it and certify them clearly as copies.

Commencement Information

I3 Sch. 3 para. 3 wholly in force at 1.1.2005; Sch. 3 para. 3 not in force at Royal Assent, see s. 87(3); Sch. 3 para. 3 in force for certain purposes at 30.11.2002 by S.I. 2002/2812, art. 2(d)(e); Sch. 3 para. 3 in force for certain further purposes at 1.1.2005 by S.I. 2004/1909, art. 2 and otherwise in force at 1.1.2005 by S.I. 2004/3122, art. 2

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