



Enterprise Act 2002

2002 CHAPTER 40

PART 6

CARTEL OFFENCE

Criminal investigations by OFT

PROSPECTIVE

194 Power to enter premises under a warrant

- (1) [^{F1}On an application made to it by the CMA or, in Scotland, the procurator fiscal, the appropriate body may issue a warrant if it is satisfied] that there are reasonable grounds for believing—
- (a) that there are on any premises documents which the [^{F2}CMA] has power under section 193 to require to be produced for the purposes of an investigation; and
 - (b) that—
 - (i) a person has failed to comply with a requirement under that section to produce the documents;
 - (ii) it is not practicable to serve a notice under that section in relation to them; or
 - (iii) the service of such a notice in relation to them might seriously prejudice the investigation.

[^{F3}(1A) In subsection (1), “appropriate body” means—

- (a) in England and Wales and Northern Ireland, the High Court or the Competition Appeal Tribunal;
 - (b) in Scotland, the sheriff.]
- (2) A warrant under this section shall authorise a named officer of the [^{F2}CMA], and any other officers of the [^{F2}CMA] whom the [^{F2}CMA] has authorised in writing to accompany the named officer—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 194. (See end of Document for details)

- (a) to enter the premises, using such force as is reasonably necessary for the purpose;
 - (b) to search the premises and—
 - (i) take possession of any documents appearing to be of the relevant kind, or
 - (ii) take, in relation to any documents appearing to be of the relevant kind, any other steps which may appear to be necessary for preserving them or preventing interference with them;
 - (c) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of his knowledge and belief, where it may be found;
 - (d) to require any information which is stored in any electronic form and is accessible from the premises and which the named officer considers relates to any matter relevant to the investigation, to be produced in a form—
 - (i) in which it can be taken away, and
 - (ii) in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (3) Documents are of the relevant kind if they are of a kind in respect of which the application under subsection (1) was granted.
- (4) A warrant under this section may authorise persons specified in the warrant to accompany the named officer who is executing it.
- [^{F4}(4A) An application for a warrant under this section must be made—
- (a) in the case of an application to the High Court or the sheriff, in accordance with rules of court;
 - (b) in the case of an application to the Competition Appeal Tribunal, in accordance with rules made under section 15.]
- (5) In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers of seizure to which section 50 of that Act applies), after paragraph 73 there is inserted—

“Enterprise Act 2002

73B The power of seizure conferred by section 194(2) of the Enterprise Act 2002 (seizure of documents for the purposes of an investigation under section 192(1) of that Act).”

Textual Amendments

- F1** Words in s. 194(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), ss. 48\(2\), 103\(3\)](#); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F2** Word in s. 194(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 213](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** S. 194(1A) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), ss. 48\(3\), 103\(3\)](#); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F4** S. 194(4A) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), ss. 48\(4\), 103\(3\)](#); S.I. 2014/416, art. 2(1)(b) (with Sch.)

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Changes to legislation:

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