



Banking Act 2009

2009 CHAPTER 1

PART 5

^{F1}... PAYMENT SYSTEMS [^{F1}AND SERVICE PROVIDERS]

Enforcement

194 Inspection: warrant

- (1) A justice of the peace may on the application of an inspector issue a warrant entitling an inspector or a constable to enter premises if—
- ^{F1}(a) there is conducted on the premises any part of the management or operation of—
 - (i) a recognised payment system (whether by an operator of the system or by someone providing services used by an operator), ^{F2}...
 - ^{F3}(ia) a recognised DSA service provider, or]
 - (ii) a service provider in relation to a recognised payment system [^{F4}or a recognised DSA service provider], and]
 - (b) any of the following conditions is satisfied.
- (2) Condition 1 is that—
- (a) a requirement under section 204 in connection with the payment system [^{F5}, the DSA service provider][^{F6}or the service provider] has not been complied with, and
 - (b) there is reason to believe that information relevant to the requirement is on the premises.
- (3) Condition 2 is that there is reason to suspect that if a requirement under section 204 were imposed in connection with the payment system [^{F7}, the DSA service provider][^{F8}or the service provider] in respect of information on the premises—
- (a) the requirement would not be complied with, and
 - (b) the information would be destroyed or otherwise tampered with.

Changes to legislation: Banking Act 2009, Section 194 is up to date with all changes known to be in force on or before 12 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) View outstanding changes

- (4) Condition 3 is that an inspector—
- (a) gave reasonable notice of a wish to enter the premises, and
 - (b) was refused entry.
- (5) Condition 4 is that a person occupying or managing the premises has failed to co-operate with an inspector.
- (6) A warrant—
- (a) permits an inspector or a constable to enter the premises,
 - (b) permits an inspector or a constable to search the premises and copy or take possession of information or documents, and
 - (c) permits a constable to use reasonable force.
- (7) Sections 15(5) to (8) and 16 of the Police and Criminal Evidence Act 1984 (warrants: procedure) apply to warrants under this section.
- (8) In the application of this section to Scotland—
- (a) the reference to a justice of the peace includes a reference to a sheriff, and
 - (b) ignore subsection (7).
- (9) In the application of this section to Northern Ireland—
- (a) the reference to a justice of the peace is a reference to a lay magistrate, and
 - (b) the reference to sections 15(5) to (8) and 16 of the Police and Criminal Evidence Act 1984 is a reference to the equivalent provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989.

Textual Amendments

- F1** S. 194(1)(a) substituted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(a)**
- F2** Word in s. 194(1)(a)(i) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(a)(i)**
- F3** S. 194(1)(a)(ia) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(a)(i)**
- F4** Words in s. 194(1)(a)(ii) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(b)**
- F5** Words in s. 194(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(3)**
- F6** Words in s. 194(2)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(b)**
- F7** Words in s. 194(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(4)**
- F8** Words in s. 194(3) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(b)**

Commencement Information

- I1** S. 194 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

Changes to legislation:

Banking Act 2009, Section 194 is up to date with all changes known to be in force on or before 12 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)