

SCHEDULES

SCHEDULE 5

INVESTIGATORY POWERS ETC.

PART 4

FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND EU ENFORCERS

Power to enter premises with warrant

- 32 (1) A justice of the peace may issue a warrant authorising an officer of an enforcer to enter premises if satisfied, on written information on oath given by such an officer, that there are reasonable grounds for believing that—
- (a) condition A or B is met, and
 - (b) condition C, D or E is met.
- (2) Condition A is that on the premises there are—
- (a) products which an officer of the enforcer has power to inspect under paragraph 25, or
 - (b) documents which an officer of the enforcer could require a person to produce under paragraph 27.
- (3) Condition B is that, on the premises—
- (a) in the case of a domestic enforcer, there has been or is about to be a breach of the enforcer’s legislation,
 - (b) in the case of an EU enforcer, there has been or is about to be a Community infringement as defined in section 212 of the Enterprise Act 2002, or
 - (c) in the case of an EU enforcer, there has been a failure to comply with a measure specified in paragraph 20(3)(b), (c) or (d).
- (4) Condition C is that—
- (a) access to the premises has been or is likely to be refused, and
 - (b) notice of the enforcer’s intention to apply for a warrant under this paragraph has been given to the occupier of the premises.
- (5) Condition D is that it is likely that products or documents on the premises would be concealed or interfered with if notice of entry on the premises were given to the occupier of the premises.
- (6) Condition E is that—
- (a) the premises are unoccupied, or
 - (b) the occupier of the premises is absent, and it might defeat the purpose of the entry to wait for the occupier’s return.
- (7) In the application of this paragraph to Scotland—

Status: This is the original version (as it was originally enacted).

- (a) the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to a sheriff, and
 - (b) the reference in that sub-paragraph to information on oath is to be read as a reference to evidence on oath.
- (8) In the application of this paragraph to Northern Ireland—
- (a) the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to a lay magistrate, and
 - (b) the reference in that sub-paragraph to written information is to be read as a reference to a written complaint.