



# Pensions Act 1995

## 1995 CHAPTER 26

### PART I

#### OCCUPATIONAL PENSIONS

##### *Gathering information: the Authority*

#### **100 Warrants**

- (1) A justice of the peace may issue a warrant under this section if satisfied on information on oath given by or on behalf of the Authority that there are reasonable grounds for believing—
- (a) that there are on any premises documents whose production has been required under section 98(1) or 99(1)(b), or any corresponding provisions in force in Northern Ireland, and which have not been produced in compliance with the requirement,
  - (b) that there are on any premises documents whose production could be so required and that if their production were so required the documents would not be produced but would be removed from the premises, hidden, tampered with or destroyed, or
  - (c) that—
    - (i) an offence has been committed under this Act or the Pension Schemes Act 1993, or any enactment in force in Northern Ireland corresponding to either of them,
    - (ii) a person will do any act which constitutes a misuse or misappropriation of the assets of an occupational pension scheme,
    - (iii) a person is liable to pay a penalty under section 10 of this Act or section 168(4) of the Pension Schemes Act 1993, or any enactment in force in Northern Ireland corresponding to either of them, or
    - (iv) a person is liable to be prohibited from being a trustee of a trust scheme under section 3,

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*Status: This is the original version (as it was originally enacted).*

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and that there are on any premises documents which relate to whether the offence has been committed, whether the act will be done, or whether the person is so liable, and whose production could be required under section 98(1) or 99(1)(b) or any corresponding provisions in force in Northern Ireland.

- (2) A warrant under this section shall authorise an inspector—
  - (a) to enter the premises specified in the information, using such force as is reasonably necessary for the purpose,
  - (b) to search the premises and take possession of any documents appearing to be such documents as are mentioned in subsection (1) or to take in relation to such documents any other steps which appear necessary for preserving them or preventing interference with them,
  - (c) to take copies of any such documents, or
  - (d) to require any person named in the warrant to provide an explanation of them or to state where they may be found.
- (3) A warrant under this section shall continue in force until the end of the period of one month beginning with the day on which it is issued.
- (4) Any documents of which possession is taken by virtue of a warrant under this section may be retained—
  - (a) for a period of six months, or
  - (b) if within that period proceedings to which the documents are relevant are commenced against any person for any offence under this Act or the Pension Schemes Act 1993, or any enactment in force in Northern Ireland corresponding to either of them, until the conclusion of those proceedings.
- (5) In the application of this section in Scotland—
  - (a) the reference to a justice of the peace is to be read as a reference to a justice within the meaning of the Criminal Procedure (Scotland) Act 1975, and
  - (b) the references to information are to be read as references to evidence.