
STATUTORY INSTRUMENTS

2017 No. 692

**The Money Laundering, Terrorist Financing and Transfer
of Funds (Information on the Payer) Regulations 2017**

PART 8

Information and Investigation

Entry of premises under warrant

70.—(1) A justice may issue a warrant under this regulation if satisfied on information given on oath (or in Scotland by evidence on oath) by a duly authorised officer acting on behalf of a supervisory authority that—

- (a) there are reasonable grounds for believing that the first, second, or third set of conditions is satisfied; or
 - (b) there are reasonable grounds for suspecting that the fourth set of conditions is satisfied.
- (2) The application for the warrant must—
- (a) identify the premises to which the application relates and state that the premises is not used only as a dwelling;
 - (b) state that the officer has reasonable grounds to suspect a warrant is necessary in connection with the exercise of the supervisory functions of the supervisory authority for which the officer is acting and the warrant is sought for the purpose of those functions;
 - (c) state that the officer executing the warrant—
 - (i) will give to any person on the premises, when entering the premises, evidence of identification and authority to act on behalf of the supervisory authority, and
 - (ii) will give to that person, no later than on entering the premises, a notice identifying and explaining the powers exercisable under this regulation, and
 - (d) state that the warrant is sought in relation to material specified in the application, or that there are reasonable grounds for suspecting that there is material falling within regulation 66 on the premises.
- (3) The first set of conditions is—
- (a) that a person on whom a requirement has been imposed under regulation 66 has failed (wholly or in part) to comply with it, and
 - (b) that on the premises specified in the warrant—
 - (i) there are documents which have been required, or
 - (ii) there is information which has been required.
- (4) The second set of conditions is—
- (a) that the premises specified in the warrant are premises of—
 - (i) the relevant person or the payment service provider (“P”),

- (ii) a member of the same group as P; or
 - (iii) a third person referred to in regulation 66(8);
 - (b) that there are on the premises documents or information in relation to which a requirement could be imposed under regulation 66, and
 - (c) that if such a requirement were to be imposed—
 - (i) it would not be complied with, or
 - (ii) the documents or information to which it related would be removed, tampered with or destroyed.
- (5) The third set of conditions is—
 - (a) that an officer has been obstructed in the exercise of the power under regulation 69; and
 - (b) that there is on the premises specified in the warrant documents, information or cash which could be inspected under regulation 69(2)(d) or (f).
- (6) The fourth set of conditions is—
 - (a) that an offence under these Regulations has been, is being or is about to be committed by P; and
 - (b) there is on the premises specified in the warrant information or documents relevant to whether the offence has been, is being or is about to be committed.
- (7) A warrant under this regulation authorises the executing officer—
 - (a) to enter the premises specified in the warrant;
 - (b) to search the premises and take possession of any documents or information appearing to be documents or information of a kind in respect of which the warrant was issued (“the relevant kind”) or to take, in relation to any such documents or information, any other steps which may appear to be necessary for preserving them or preventing interference with them;
 - (c) to inspect any cash found on the premises;
 - (d) to take copies of, or extracts from, any documents or information appearing to be of the relevant kind;
 - (e) to require any person on the premises to provide an explanation of any document or information appearing to be of the relevant kind or to state where it may be found; and
 - (f) to use such force as may be reasonably necessary.
- (8) Where information of the relevant kind is contained in a computer or other storage device, or is recorded in any other way otherwise than in legible form, the warrant authorises the executing officer to take possession of that information in a form in which it can be taken away and in which it is legible.
- (9) A warrant under this regulation—
 - (a) may be exercised by any executing officer;
 - (b) may authorise persons to accompany any executing officer who is executing it;
 - (c) may be issued subject to conditions.
- (10) The powers in paragraph (7) may be exercised by a person authorised by the warrant to accompany an executing officer; but that person may exercise those powers only in the company of, and under the supervision of, an executing officer.

(11) In England and Wales, sections 15(5) to (8) and 16(3) to (12) of the Police and Criminal Evidence Act 1984⁽¹⁾ (execution of warrants and safeguards) apply to warrants issued under this regulation.

(12) In Northern Ireland, Articles 17(5) to (8) and 18(3) to (12) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (execution of warrants and safeguards)⁽²⁾ apply to warrants issued under this regulation.

(13) In this regulation—

“duly authorised officer” means—

- (a) where a warrant is issued on the basis of information given on behalf of the FCA or another supervisory authority, an officer of the FCA authorised in writing to exercise the powers under this regulation by a Head of Department working within the enforcement function of the FCA,
- (b) where a warrant is issued on the basis of information given on behalf of the Commissioners or another supervisory authority, an officer of Revenue and Customs authorised in writing to exercise the powers under this regulation by an officer of Revenue and Customs of at least the grade of senior officer;

“executing officer” means—

- (a) where a warrant is issued on the basis of information given on behalf of the FCA, or of a supervisory authority for which the FCA is acting, a constable,
- (b) where a warrant is issued on the basis of information given on behalf of the Commissioners, or of a supervisory authority for which the Commissioners are acting, an officer of Revenue and Customs;

“justice” means—

- (a) in England and Wales, a justice of the peace;
- (b) in Northern Ireland, a lay magistrate; or
- (c) in Scotland, a sheriff or summary sheriff.

(1) 1984 c.60. Sections 15(5) to (8) and 16(3) to (12) have been amended by sections 113 and 114 of the Serious Organised Crime and Police Act 2005 (c.15), and S.I. 2005/3496. Section 16 has also been amended by paragraph 281 of Schedule 8 to the Courts Act 2003 (c.39).

(2) S.I. 1989/1341 (N.I. 12). Articles 17 and 18 have been amended by S.I. 2007/288 (N.I.).