

SCHEDULE 4

Powers of entry in misuse of aid examinations

PART 3

Entry with a warrant

Power to enter business premises with a warrant

6.—(1) On an application made to it by the CMA, the court may issue a warrant if it is satisfied that—

- (a) there are reasonable grounds to suspect that there has been a misuse of aid by the beneficiary;
- (b) entry to the business premises of the beneficiary is necessary for the CMA to decide under regulation 19 whether there has been a misuse of aid by the beneficiary;
- (c) the suspected misuse of aid is sufficiently serious to justify entering the business premises of the beneficiary; and
- (d) the requirements in sub-paragraph (2) or (3) are met.

(2) The requirements of this sub-paragraph are met if there are reasonable grounds to suspect that—

- (a) there are on the business premises documents which the CMA has the power under regulation 19(4)(b) to request for the purposes of deciding whether there has been a misuse of aid; and
- (b) if the documents were requested under regulation 19(4)(b), they would not be produced but would be concealed, removed, tampered with or destroyed.

(3) The requirements of this sub-paragraph are met if there are reasonable grounds to suspect that there are on the business premises documents—

- (a) the production of which has been requested under regulation 19(4)(b); and
- (b) which have not been produced as requested.