

## SCHEDULE 4

### Powers of entry in misuse of aid examinations

## PART 2

### Entry without a warrant

#### **Power to enter business premises without a warrant**

**3.** An authorised officer may enter the business premises of a beneficiary to obtain information for the purpose of deciding under regulation 19 whether there has been a misuse of aid by the beneficiary if the CMA 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) there are reasonable grounds to suspect that there are on the business premises documents—
  - (i) the production of which has been requested under regulation 19(4)(b); and
  - (ii) which have not been produced as requested.

#### **Safeguards**

**4.—(1)** No authorised officer may enter business premises in the exercise of the powers under paragraph 3 unless the officer has given the occupier of the premises a written notice which—

- (a) gives at least two working days' notice of the intended entry;
- (b) indicates the subject matter and the purpose of the intended entry; and
- (c) indicates the nature of the offences created by paragraph 15.

(2) The power of entry conferred by paragraph 3 is to be exercised by the authorised officer on the production of their authorisation.

(3) The power of entry conferred by paragraph 3 may be exercised only at a reasonable hour.

#### **Associated powers**

**5.** An authorised officer entering business premises in exercise of the powers under paragraph 3 may—

- (a) take with the officer such equipment as appears to the officer to be necessary;
- (b) require any person on the premises—
  - (i) to produce any document which the officer considers relevant to the purpose of deciding under regulation 19 whether there has been a misuse of aid by the beneficiary; and
  - (ii) if the document is produced, to provide an explanation of it;
- (c) require any person on the premises to state, to the best of the person's knowledge and belief, where any document referred to in sub-paragraph (b) is to be found;

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

- (d) take copies of any document which is produced;
- (e) require any information which is stored in any electronic form and is accessible from the premises and which the officer considers relevant to the purpose of deciding under regulation 19 whether there has been a misuse of aid by the beneficiary to be produced in a form—
  - (i) in which it can be taken away; and
  - (ii) in which it is visible and legible or from which it can be readily be produced in a visible and legible form; and
- (f) take any steps which appear to be necessary for the purpose of preserving or preventing interference with any document which the officer considers relates to any matter relevant to the purpose of deciding under regulation 19 whether there has been a misuse of aid by the beneficiary.