

SCHEDULES

SCHEDULE 4

POWERS OF ENTRY AND INSPECTION

Issue of warrants

- 1 If a circuit judge is satisfied by information on oath supplied by the Registrar that there are reasonable grounds for suspecting—
- (a) that an offence under this Act has been or is being committed ; or
 - (b) that any of the data protection principles have been or are being contravened by a registered person,
- and that evidence of the commission of the offence or of the contravention is to be found on any premises specified in the information, he may, subject to paragraph 2 below, grant a warrant authorising the Registrar or any of his officers or servants at any time within seven days of the date of the warrant to enter those premises, to search them, to inspect, examine, operate and test any data equipment found there and to inspect and seize any documents or other material found there which may be such evidence as aforesaid.
- 2 A judge shall not issue a warrant under this Schedule unless he is satisfied—
- (a) that the Registrar has given seven days' notice in writing to the occupier of the premises in question demanding access to the premises ;
 - (b) that access was demanded at a reasonable hour and was unreasonably refused ; and
 - (c) that the occupier has, after the refusal, been notified by the Registrar of the application for the warrant and has had an opportunity of being heard by the judge on the question whether or not it should be issued ;
- but the foregoing provisions of this paragraph shall not apply if the judge is satisfied that the case is one of urgency or that compliance with those provisions would defeat the object of the entry.
- 3 A judge who issues a warrant under this Schedule shall also issue two copies of it and certify them clearly as copies.