



Companies Act 1985

1985 CHAPTER 6

PART XIV

INVESTIGATION OF COMPANIES AND THEIR AFFAIRS; REQUISITION OF DOCUMENTS

Requisition and seizure of books and papers

[^{F1}448 Entry and search of premises.

- (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 Secretary of State, or by a person appointed or authorised to exercise powers under this Part, that there are reasonable grounds for believing that there are on any premises documents whose production has been required under this Part and which have not been produced in compliance with the requirement.
- (2) A justice of the peace may also issue a warrant under this section if satisfied on information on oath given by or on behalf of the Secretary of State, or by a person appointed or authorised to exercise powers under this Part—
 - (a) that there are reasonable grounds for believing that an offence has been committed for which the penalty on conviction on indictment is imprisonment for a term of not less than two years and that there are on any premises documents relating to whether the offence has been committed,
 - (b) that the Secretary of State, or the person so appointed or authorised, has power to require the production of the documents under this Part, and
 - (c) that there are reasonable grounds for believing that if production was so required the documents would not be produced but would be removed from the premises, hidden, tampered with or destroyed.
- (3) A warrant under this section shall authorise a constable, together with any other person named in it and any other constables—
 - (a) to enter the premises specified in the information, using such force as is reasonably necessary for the purpose;

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- (b) to search the premises and take possession of any documents appearing to be such documents as are mentioned in subsection (1) or (2), as the case may be, or to take, in relation to any such documents, any other steps which may appear to be necessary for preserving them or preventing interference with them;
 - (c) to take copies of any such documents; and
 - (d) to require any person named in the warrant to provide an explanation of them or to state where they may be found.
- (4) If in the case of a warrant under subsection (2) the justice of the peace is satisfied on information on oath that there are reasonable grounds for believing that there are also on the premises other documents relevant to the investigation, the warrant shall also authorise the actions mentioned in subsection (3) to be taken in relation to such documents.
- (5) 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.
- (6) Any documents of which possession is taken under this section may be retained—
- (a) for a period of three months; or
 - (b) if within that period proceedings to which the documents are relevant are commenced against any person for any criminal offence, until the conclusion of those proceedings.
- (7) Any person who intentionally obstructs the exercise of any rights conferred by a warrant issued under this section or fails without reasonable excuse to comply with any requirement imposed in accordance with subsection (3)(d) is guilty of an offence^{F2} . . .
- [A person guilty of an offence under this section is liable—
- ^{F3}(7A) (a) on conviction on indictment, to a fine;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.]
- (8) For the purposes of sections 449 and 451A (provision for security of information) documents obtained under this section shall be treated as if they had been obtained under the provision of this Part under which their production was or, as the case may be, could have been required.
- (9) In the application of this section to Scotland for the references to a justice of the peace substitute references to a justice of the peace or a sheriff, and for the references to information on oath substitute references to evidence on oath.
- (10) In this section “document” includes information recorded in any form.]

Textual Amendments

- F1** S. 448 substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **ss. 64(1)**, 213(2)
- F2** Words in s. 448(7) repealed (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1124, 1295, 1300, [Sch. 3 para. 2\(1\)](#), [Sch. 16](#) (with s. 1133); S.I. 2007/2194, arts. 2(1)(k), **8**, [Sch. 2 Pt. 1](#) (with art. 12, [Sch. 3 para. 48](#) and subject to [Sch. 1](#))
- F3** S. 448(7A) inserted (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1124, 1300, [Sch. 3 para. 2\(2\)](#) (with s. 1133); S.I. 2007/2194, [art. 2\(1\)\(k\)](#) (with art. 12, [Sch. 3 para. 48](#) and subject to [Sch. 1](#))

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Modifications etc. (not altering text)

- C1** S. 448 applied (with modifications) (E.W.S.) (6.4.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Investigations\) Regulations 2014](#) (S.I. 2014/574), regs. 1(1), **2**
- C2** S. 448 extended (with modifications) by [S.I. 1989/638](#), regs. 18, 21, **Sch. 4 para. 11**
- C3** S. 448 applied (with modifications) (6.4.2001) by [S.I. 2001/1090](#), reg. 4, **Sch. 2 Pt. I**
- C4** S. 448 restricted (20.1.2007, 6.4.2007, 1.10.2007, 6.4.2008 for specified purposes) by [Companies Act 2006](#) (c. 46), **ss. 1126, 1300** (with s. 1133); [S.I. 2006/3428](#), **art. 3(2)(b)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5 (as amended by [S.I. 2007/3495](#), art. 11, Sch. 5)); [S.I. 2007/1093](#), **art. 2(2)(c)**; [S.I. 2007/2194](#), **art. 2(1)(l)(3)(h)** (with art. 12); [S.I. 2007/3495](#), **art. 3(1)(n)** (with arts. 7, 12)
- C5** S. 448(3): powers of seizure extended (8.10.2004) by [2001 c. 16](#), ss. 50, 52-54, 68, 138(2), Sch. 1 Pt. I para. 35; [S.I. 2004/1376](#), **art. 3**
- C6** S. 448(6) applied (1.4.2003) by [2001 c. 16](#), ss. 57(1)(f), 138(2) (with s. 57(4)); [S.I. 2003/708](#), **art. 2**

Changes to legislation:

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