



Competition Act 1998

1998 CHAPTER 41

PART II

INVESTIGATIONS IN RELATION TO ARTICLES 85 AND 86

62 Power to enter premises: Commission investigations

- (1) A judge of the High Court may issue a warrant if satisfied, on an application made to the High Court in accordance with rules of court by the Director, that a Commission investigation is being, or is likely to be, obstructed.
- (2) A Commission investigation is being obstructed if—
 - (a) an official of the Commission (“the Commission official”), exercising his power in accordance with the provision under which the investigation is being conducted, has attempted to enter premises but has been unable to do so; and
 - (b) there are reasonable grounds for suspecting that there are books or records on the premises which the Commission official has power to examine.
- (3) A Commission investigation is also being obstructed if there are reasonable grounds for suspecting that there are books or records on the premises—
 - (a) the production of which has been required by an official of the Commission exercising his power in accordance with the provision under which the investigation is being conducted; and
 - (b) which have not been produced as required.
- (4) A Commission investigation is likely to be obstructed if—
 - (a) an official of the Commission (“the Commission official”) is authorised for the purpose of the investigation;
 - (b) there are reasonable grounds for suspecting that there are books or records on the premises which the Commission official has power to examine; and
 - (c) there are also reasonable grounds for suspecting that, if the Commission official attempted to exercise his power to examine any of the books or records, they would not be produced but would be concealed, removed, tampered with or destroyed.

Status: This is the original version (as it was originally enacted).

- (5) A warrant under this section shall authorise—
- (a) a named officer of the Director,
 - (b) any other of his officers whom he has authorised in writing to accompany the named officer, and
 - (c) any official of the Commission authorised for the purpose of the Commission investigation,
- to enter the premises specified in the warrant, and search for books and records which the official has power to examine, using such force as is reasonably necessary for the purpose.
- (6) Any person entering any premises by virtue of a warrant under this section may take with him such equipment as appears to him to be necessary.
- (7) On leaving any premises entered by virtue of the warrant the named officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as he found them.
- (8) A warrant under this section continues in force until the end of the period of one month beginning with the day on which it is issued.
- (9) In the application of this section to Scotland, references to the High Court are to be read as references to the Court of Session.