

Status: Point in time view as at 30/01/2001. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Freedom of Information Act 2000, Paragraph 2 is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

VALID FROM 30/11/2002

SCHEDULE 3

POWERS OF ENTRY AND INSPECTION

Modifications etc. (not altering text)

- C1** Sch. 3 applied (with modifications) (31.12.2009) by [The INSPIRE Regulations 2009 \(S.I. 2009/3157\)](#), {reg. 11(1)-(3)(9)}

Issue of warrants

- 2 (1) A judge shall not issue a warrant under this Schedule unless he is satisfied—
- (a) that the Commissioner has given seven days' notice in writing to the occupier of the premises in question demanding access to the premises, and
 - (b) that either—
 - (i) access was demanded at a reasonable hour and was unreasonably refused, or
 - (ii) although entry to the premises was granted, the occupier unreasonably refused to comply with a request by the Commissioner or any of the Commissioner's officers or staff to permit the Commissioner or the officer or member of staff to do any of the things referred to in paragraph 1(2), and
 - (c) that the occupier, has, after the refusal, been notified by the Commissioner 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.
- (2) Sub-paragraph (1) 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.

Commencement Information

- II** Sch. 3 para. 2 wholly in force at 1.1.2005; Sch. 3 para. 2 not in force at Royal Assent, see s. 87(3); Sch. 3 para. 2 in force for certain purposes at 30.11.2002 by [S.I. 2002/2812](#), [art. 2\(d\)\(e\)](#); Sch. 3 para. 2 in force for certain further purposes at 1.1.2005 by [S.I. 2004/1909](#), [art. 2](#) and otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), [art. 2](#)

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