



# Charities Act 2011

## 2011 CHAPTER 25

### PART 5

#### INFORMATION POWERS

##### *Inquiries instituted by Commission*

#### **49 Execution of search warrant**

- (1) Entry and search under a warrant under section 48 must be at a reasonable hour and within one month of the date of its issue.
- (2) The member of the Commission's staff who is authorised under such a warrant ("P") must, if required to do so, produce—
  - (a) the warrant, and
  - (b) documentary evidence that P is a member of the Commission's staff, for inspection by the occupier of the premises or anyone acting on the occupier's behalf.
- (3) P must make a written record of—
  - (a) the date and time of P's entry on the premises,
  - (b) the number of persons (if any) who accompanied P on to the premises and the names of any such persons,
  - (c) the period for which P (and any such persons) remained on the premises,
  - (d) what P (and any such persons) did while on the premises, and
  - (e) any document or device of which P took possession while there.
- (4) If required to do so, P must give a copy of the record to the occupier of the premises or someone acting on the occupier's behalf.
- (5) Unless it is not reasonably practicable to do so, P must before leaving the premises comply with—
  - (a) the requirements of subsection (3), and

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**Changes to legislation:** Charities Act 2011, Section 49 is up to date with all changes known to be in force on or before 23 May 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) [View outstanding changes](#)

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- (b) any requirement made under subsection (4) before P leaves the premises.
- (6) Where possession of any document or device is taken under section 48—
- (a) the document may be retained for so long as the Commission considers that it is necessary to retain it (rather than a copy of it) for the purposes of the relevant inquiry under section 46, or
  - (b) the device may be retained for so long as the Commission considers that it is necessary to retain it for the purposes of that inquiry,
- as the case may be.
- (7) Once it appears to the Commission that the retention of any document or device has ceased to be so necessary, it must arrange for the document or device to be returned as soon as is reasonably practicable—
- (a) to the person from whose possession it was taken, or
  - (b) to any of the charity trustees of the charity to which it belonged or related.
- For the purposes of this subsection as it has effect by virtue of section 46(4), the reference in paragraph (b) to the charity trustees of the charity is to be read as a reference to the persons having the general control and management of the administration of the body entered in the Scottish Charity Register.
- (8) It is an offence for a person intentionally to obstruct the exercise of any rights conferred by a warrant under section 48.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 51 weeks, or
  - (b) to a fine not exceeding level 5 on the standard scale,
- or to both.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)