



Financial Services (Banking Reform) Act 2013

2013 CHAPTER 33

PART 5 **U.K.**

REGULATION OF PAYMENT SYSTEMS

Information and investigation powers

88 Entry of premises under warrant **U.K.**

- (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 Payment Systems Regulator or an investigator that there are reasonable grounds for believing that the first or second set of conditions is satisfied.
- (2) The first set of conditions is—
 - (a) that a person on whom an information requirement has been imposed has failed (wholly or in part) to comply with it, and
 - (b) that on the premises specified in the warrant—
 - (i) there are documents which have been required, or
 - (ii) there is information which has been required.
- (3) In this section “information requirement” means—
 - (a) a requirement imposed by the Payment Systems Regulator under section 81 or 86, or
 - (b) a requirement imposed by an investigator under section 85 or 86.
- (4) The second set of conditions is—
 - (a) that the premises specified in the warrant are premises of a participant in a regulated payment system,
 - (b) that there are on the premises documents or information in relation to which an information requirement could be imposed, and

Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 88. (See end of Document for details)

- (c) that if such a requirement were to be imposed—
 - (i) it would not be complied with, or
 - (ii) the documents or information to which it related would be removed, tampered with or destroyed.
- (5) A warrant under this section authorises a constable—
 - (a) to enter the premises specified in the warrant,
 - (b) to search the premises and take possession of any documents or information appearing to be documents or information of a kind in respect of which a warrant under this section was issued (“the relevant kind”) or to take, in relation to any such documents or information, any other steps which may appear to be necessary for preserving them or preventing interference with them,
 - (c) to take copies of, or extracts from, any documents or information appearing to be of the relevant kind,
 - (d) to require any person on the premises to provide an explanation of any document or information appearing to be of the relevant kind or to state where it may be found, and
 - (e) to use such force as may be reasonably necessary.
- (6) A warrant under this section may be executed by any constable.
- (7) The warrant may authorise persons to accompany any constable who is executing it.
- (8) The powers in subsection (5) may be exercised by a person who—
 - (a) is authorised by the warrant to accompany a constable, and
 - (b) exercises those powers in the company of, and under the supervision of, a constable.
- (9) In England and Wales, sections 15(5) to (8) and 16(3) to (12) of the Police and Criminal Evidence Act 1984 (execution of search warrants and safeguards) apply to warrants issued under this section.
- (10) In Northern Ireland, Articles 17(5) to (8) and 18(3) to (12) of the Police and Criminal Evidence (Northern Ireland) Order 1989 apply to warrants issued under this section.
- (11) This section has effect in relation to Scotland as if—
 - (a) for any reference to a justice of the peace there were substituted a reference to a justice of the peace or a sheriff, and
 - (b) for any reference to information on oath there were substituted a reference to evidence on oath.
- (12) In this section “investigator” means a person appointed under section 83.

Modifications etc. (not altering text)

- C1** Ss. 81-93 applied (with modifications) (9.12.2015) by [The Payment Card Interchange Fee Regulations 2015 \(S.I. 2015/1911\)](#), regs. 1, **14(1)**
 - C2** Ss. 81-93 applied (with modifications) (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), regs. 1(6), **135(1)** (with reg. 3)
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Commencement Information

- I1** S. 88 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), **Sch. Pt. 1**

Changes to legislation:

There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 88.