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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Restrictions on issuing warrants: procedural requirements is up to date with all changes known to be in force on or before 03 April 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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## SCHEDULES

### SCHEDULE 15

#### POWERS OF ENTRY AND INSPECTION

##### *Restrictions on issuing warrants: procedural requirements*

- 4 (1) A judge must not issue a warrant under this Schedule unless satisfied that—
- (a) the conditions in sub-paragraphs (2) to (4) are met,
  - (b) compliance with those conditions would defeat the object of entry to the premises in question, or
  - (c) the Commissioner requires access to the premises in question urgently.
- (2) The first condition is that the Commissioner has given 7 days' notice in writing to the occupier of the premises in question demanding access to the premises.
- (3) The second condition is that—
- (a) access to the premises was demanded at a reasonable hour and was unreasonably refused, or
  - (b) entry to the premises was granted but the occupier unreasonably refused to comply with a request by the Commissioner or the Commissioner's officers or staff to be allowed to do any of the things referred to in paragraph 5.
- (4) The third condition is that, since the refusal, the occupier of the premises—
- (a) has been notified by the Commissioner of the application for the warrant, and
  - (b) has had an opportunity to be heard by the judge on the question of whether or not the warrant should be issued.
- (5) In determining whether the first condition is met, an assessment notice given to the occupier is to be disregarded.

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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):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)