

## SCHEDULES

### SCHEDULE 2

Section 22

#### AUTHORISED OFFICERS: INVESTIGATORY POWERS

##### *Entry to non-domestic premises without warrant*

- 1 (1) An authorised officer may enter any non-domestic premises which the officer has reason to believe it is necessary for the officer to enter for a relevant purpose—
  - (a) at any reasonable time, or
  - (b) at any time, in a situation which in the officer’s opinion is or may be dangerous.
- (2) The officer may be accompanied by any person, and bring anything, required for any purpose for which the officer is exercising the power of entry.
- (3) If the officer has reasonable cause to expect any obstruction in the exercise of any relevant power, the officer may be accompanied by a constable.
- (4) The officer may—
  - (a) take measurements and photographs, and may make recordings;
  - (b) take samples of anything.
- (5) The officer may seize anything if it appears to the officer—
  - (a) to be evidence of an offence under this Act or the Building Act 1984, and
  - (b) to be necessary to seize it to prevent the evidence being concealed, lost, altered or destroyed.

##### *Entry to non-domestic premises with warrant*

- 2 (1) A justice of the peace may issue a warrant in respect of non-domestic premises specified in the warrant if satisfied, on an information in writing made by an authorised officer, that it is necessary—
  - (a) for an authorised officer to enter the premises for a relevant purpose, and
  - (b) to confer a power to enter by force (if necessary).
- (2) The warrant authorises any authorised officer to enter the premises at any time (subject to [sub-paragraph \(3\)](#)) for the purposes specified in the warrant, by force (if necessary).
- (3) The warrant may limit the times at which the power of entry may be exercised.
- (4) [Sub-paragraphs \(2\) to \(5\)](#) of [paragraph 1](#) apply in relation to the power of entry conferred by a warrant under [this paragraph](#) as they apply in relation to the power of entry conferred by [sub-paragraph \(1\)](#) of that paragraph.

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*Entry to domestic premises (with warrant)*

- 3 (1) A justice of the peace may issue a warrant in respect of domestic premises specified in the warrant if satisfied, on an information in writing made by an authorised officer, that—
- (a) it is necessary for an authorised officer to enter the premises for a relevant purpose, and
  - (b) one of the following conditions is met—
    - (i) that entry to the premises for the relevant purpose has been, or is likely to be, refused;
    - (ii) that no person entitled to grant entry to the premises can be found;
    - (iii) that requesting entry may frustrate or seriously prejudice the purpose of entry.
- (2) The warrant—
- (a) authorises any authorised officer to enter the premises at any time (subject to [sub-paragraph \(3\)](#)) for the purposes specified in the warrant, and
  - (b) confers such additional powers as may be specified in the warrant.
- (3) The warrant may limit the times at which the power of entry may be exercised.
- (4) For this purpose “additional powers” means—
- (a) the power to enter by force (if necessary);
  - (b) the powers under [sub-paragraphs \(2\) to \(5\)](#) of [paragraph 1](#).
- (5) An additional power may be specified in the warrant only if the justice of the peace is satisfied that it is necessary to confer the power.

*Power to require information, documents etc*

- 4 (1) An authorised officer may for a relevant purpose require a person to give specified information or documents to the officer by such time as may be specified.
- (2) In the case of a document consisting of information held in electronic form, the officer may require it to be produced—
- (a) in a legible form, or
  - (b) in a form from which it can readily be produced in legible form.
- (3) The officer may inspect and take copies of (or of any information in) any document that is produced.
- (4) An authorised officer may for a relevant purpose require a person to provide such facilities and assistance to the officer as may be specified, by such time as may be specified.
- (5) A requirement under this paragraph is imposed by the authorised officer in question giving, to the person in question, a notice in writing that states—
- (a) that it is a notice containing a requirement under this paragraph, and
  - (b) the consequences of failing to comply with the requirement.
- (6) Information provided by a person under [sub-paragraph \(1\)](#) is not admissible in evidence against that person in criminal proceedings except—
- (a) in proceedings for an offence under section 24,
  - (b) in proceedings for an offence under [paragraph 6\(1\)](#),

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- (c) in proceedings for an offence of perverting the course of justice, or
- (d) if in the proceedings—
  - (i) in giving evidence the person makes a statement inconsistent with the information, and
  - (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

(7) In this paragraph—

- “document” includes information recorded in any form;
- “specified”, in relation to a requirement, means specified in the notice imposing the requirement.

#### *Retention of evidence etc*

- 5 Anything that has been seized under [paragraph 1\(5\)](#), or any document produced under [paragraph 4](#), may be retained for so long as is necessary in all the circumstances.

#### *Offence of failing to provide information, documents etc*

- 6 (1) A person who fails without reasonable excuse to comply with a requirement under [paragraph 4](#) commits an offence.
- (2) A person guilty of an offence under [this paragraph](#) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

#### *Interpretation*

7 (1) In [this Schedule](#) —

“authorised officer”, in relation to the exercise of any power conferred by or the doing of anything else mentioned in a paragraph of [this Schedule](#) for the purpose of a relevant building function, means a person authorised under section 22 in relation to that paragraph for the purposes of that function;

“domestic premises” means premises (in England or Wales) used wholly or mainly as a private dwelling;

“non-domestic premises” means premises (in England or Wales) that are not domestic premises;

“relevant purpose”, in relation to an authorised officer, means the purpose of any relevant building function specified in the officer’s authorisation.

(2) In sub-paragraph (1) “relevant building function” has the meaning given by section 22.

#### *Saving for material subject to legal professional privilege*

- 8 Nothing in this Schedule confers power to—
- (a) seize anything, or
  - (b) compel the production by any person of a document or information,

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in respect of which a claim to legal professional privilege could be maintained in legal proceedings.