
Changes to legislation: There are currently no known outstanding effects for the Financial Services and Markets Act 2023, Paragraph 130. (See end of Document for details)

SCHEDULES

SCHEDULE 11

CENTRAL COUNTERPARTIES

PART 6

INFORMATION, INVESTIGATION AND ENFORCEMENT

Entry of premises under warrant

- 130 (1) A justice of the peace may issue a warrant under this paragraph if satisfied on information on oath given by or on behalf of the Secretary of State, the Bank or an investigator that there are reasonable grounds for believing that the first, second or third 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) The second set of conditions is—
- (a) that the premises specified in the warrant are premises of a CCP or a member of the same group as a CCP,
 - (b) that there are on the premises documents or information in relation to which an information requirement could be imposed, and
 - (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.
- (4) The third set of conditions is—
- (a) that an offence mentioned in paragraph 132 has been (or is being) committed by any person,
 - (b) that there are on the premises specified in the warrant documents or information relevant to whether that offence has been (or is being) committed,
 - (c) that an information requirement could be imposed in relation to those documents or that information, and
 - (d) that if such a requirement were to be imposed—
 - (i) it would not be complied with, or

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- (ii) the documents or information to which it related would be removed, tampered with or destroyed.
- (5) A warrant under this paragraph 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 paragraph was issued (“the relevant kind”) or to take, in relation to any such documents or information, any such 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 paragraph may be executed by any constable.
- (7) The warrant may authorise persons to accompany any constable who is executing it.
- (8) The powers in sub-paragraph (5) may be exercised by a person authorised by the warrant to accompany a constable; but that person may exercise those powers only 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 paragraph.
- (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 paragraph.
- (11) In the application of this paragraph to Northern Ireland the reference to a justice of the peace is a reference to a lay magistrate.
- (12) In the application of this paragraph to Scotland—
- (a) for the reference to a justice of the peace substitute references to a justice of the peace or a sheriff, and
 - (b) for the references to information on oath substitute references to evidence on oath.
- (13) “Investigator” means an investigator appointed under paragraph 121 or 122.
- (14) “Information requirement” means a requirement imposed—
- (a) by the Bank under paragraph 119 or 128, or
 - (b) by an investigator under paragraph 125, 126 or 128.

Commencement Information

I1 Sch. 11 para. 130 not in force at Royal Assent, see **s. 86(3)**

I2 Sch. 11 para. 130 in force at 31.12.2023 by S.I. 2023/1382, **reg. 8(b)**

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