

## SCHEDULE 3

Regulation 10(3)

### Powers of entry and warrants

#### **Power to enter premises**

1.—(1) An authorised person may, with the consent of the occupier, enter premises, except any premises used wholly or mainly as a private dwelling, at any reasonable hour for the purpose of enforcing these Regulations.

(2) An authorised person must, if requested to do so, produce a duly authenticated authorisation document.

(3) An authorised person may—

- (a) be accompanied by such other persons as the authorised person considers necessary, and
- (b) bring on to the premises such equipment as the authorised person considers necessary.

#### **Power to inspect, seize and detain products etc.**

2.—(1) An authorised person may—

- (a) in order to ascertain if there has been a breach of these Regulations, inspect any meter, heat cost allocator, record, document or information;
- (b) in order to ascertain if there has been a breach of these Regulations require any person carrying on as or employed by a heat supplier to produce any meter, heat cost allocator, record, document or information and take copies of—
  - (i) any document or record; or
  - (ii) any entry in any document or record;
- (c) in order to ascertain by testing or otherwise if there has been a breach of these Regulations and reasonably suspecting such breach, seize and detain any meter, heat cost allocator, record, document or information;
- (d) seize and detain any meter, heat cost allocator, record, document or information which may be required as evidence in any proceedings under these Regulations.

(2) An authorised person may require information stored electronically to be made available in printed form.

(3) An authorised person entering any premises whether under a power of entry under paragraph 1 or under a warrant under paragraph 3 must, if the occupier is present, give to the occupier or, if the occupier is absent, leave in a prominent place a notice—

- (a) summarising the authorised person's powers of seizure and detention of meters, heat cost allocators, records, documents and information;
- (b) disclosing at which office of the authorised person and within which hours a copy of these Regulations is available to be consulted.

(4) An authorised person entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(5) An authorised person exercising any power of seizure and detention must—

- (a) give to the person against whom the power has been exercised a written notice stating what has been seized and detained;

*Status: This is the original version (as it was originally made).*

- (b) detain those things only for as long as is necessary for the authorised person to ascertain whether a breach of these Regulations has occurred and if required present the evidence at court.

### **Warrants**

**3.—(1)** A justice of the peace may by signed warrant permit an authorised person or any other person to enter any premises in the exercise of the powers and duties under these Regulations, if necessary by reasonable force, if the justice in England and Wales on sworn information in writing, in Northern Ireland on a complaint on oath, or in Scotland by evidence on oath is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purposes of enforcing these Regulations; and
  - (b) that any of the conditions in paragraph 4 is met.
- (2) Reference to a justice of the peace—
- (a) in Scotland includes a sheriff;
  - (b) in Northern Ireland is a reference to a lay magistrate.

### **Conditions for warrants**

- 4.** The conditions are—
- (a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;
  - (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
  - (c) entry is required urgently;
  - (d) the premises are unoccupied or the occupier is temporarily absent.

### **Duration of warrant**

- 5.** A warrant under paragraph 3 is valid for one month.