



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART XI

#### ENFORCEMENT OF ACT

#### 162 Powers of entry and inspection

- (1) A duly authorised officer of an enforcement authority, at all reasonable hours and on production, if required, of his credentials, may—
  - (a) in order to ascertain whether a breach of any provision of or under this Act has been committed, inspect any goods and enter any premises (other than premises used only as a dwelling);
  - (b) if he has reasonable cause to suspect that a breach of any provision of or under this Act has been committed, in order to ascertain whether it has been committed, require any person—
    - (i) carrying on, or employed in connection with, a business to produce any books or documents relating to it; or
    - (ii) having control of any information relating to a business recorded otherwise than in a legible form to provide a document containing a legible reproduction of the whole or any part of the information,and take copies of, or of any entry in, the books or documents;
  - (c) if he has reasonable cause to believe that a breach of any provision of or under this Act has been committed, seize and detain any goods in order to ascertain (by testing or otherwise) whether such a breach has been committed ;
  - (d) seize and detain any goods, books or documents which he has reason to believe may be required as evidence in proceedings for an offence under this Act;
  - (e) for the purpose of exercising his powers under this subsection to seize goods, books or documents, but only if and to the extent that it is reasonably necessary for securing that the provisions of this Act and of any regulations made under it are duly observed, require any person having authority to do so to break open any container and, if that person does not comply, break it open himself.

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*Status: This is the original version (as it was originally enacted).*

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- (2) An officer seizing goods, books or documents in exercise of his powers under this section shall not do so without informing the person he seizes them from.
- (3) If a justice of the peace, on sworn information in writing, or, in Scotland, a sheriff or a magistrate or justice of the peace, on evidence on oath.—
- (a) is satisfied that there is reasonable ground to believe either—
- (i) that any goods, books or documents which a duly authorised officer has power to inspect under this section are on any premises and their inspection is likely to disclose evidence of a breach of any provision of or under this Act; or
- (ii) that a breach of any provision of or under this Act has been, is being or is about to be committed on any premises ; and
- (b) is also satisfied either—
- (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this subsection has been given to the occupier ; or
- (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to wait for his return,
- the justice or, as the case may be, the sheriff or magistrate may by warrant under his hand, which shall continue in force for a period of one month, authorise an officer of an enforcement authority to enter the premises (by force if need be).
- (4) An officer entering premises by virtue of this section may take such other persons and equipment with him as he thinks necessary; and on leaving premises entered by virtue of a warrant under subsection (3) shall, if they are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.
- (5) Regulations may provide that, in cases described by the regulations, an officer of a local weights and measures authority is not to be taken to be duly authorised for the purposes of this section unless he is authorised by the Director.
- (6) A person who is not a duly authorised officer of an enforcement authority, but purports to act as such under this section, commits an offence.
- (7) Nothing in this section compels a barrister, advocate or solicitor to produce a document containing a privileged communication made by or to him in that capacity or authorises the seizing of any such document in his possession.