



Insurance Companies Act 1982 (repealed)

1982 CHAPTER 50

PART II

REGULATION OF INSURANCE COMPANIES

Powers of intervention

[^{F1}44A Entry and search of premises.

- (1) A justice of the peace may issue a warrant under this section if satisfied on information on oath given by or on behalf of the [^{F2}Treasury], or by a person authorised to exercise powers under section 44 above, that there are reasonable grounds for believing that there are on any premises documents whose production has been required under section 44(2) to (4) above and which have not been produced in compliance with the requirement.
- (2) A justice of the peace may also issue a warrant under this section if satisfied on information on oath given by or on behalf of the [^{F2}Treasury], or by a person authorised to exercise powers under section 44 above—
 - (a) that there are reasonable grounds for believing that an offence has been committed for which the penalty on conviction on indictment is imprisonment for a term of not less than two years and that there are on any premises documents relating to whether the offence has been committed,
 - (b) that the [^{F2}Treasury]or, as the case may be, the authorised person [^{F3}have]power to require the production of the documents under section 44(2) to (4) above, and
 - (c) that there are reasonable grounds for believing that if production was so required the documents would not be produced but would be removed from the premises, hidden, tampered with or destroyed.
- (3) A warrant under this section shall authorise a constable, together with any other person named in it and any other constables—
 - (a) to enter the premises specified in the information, using such force as is reasonably necessary for the purpose;

Status: Point in time view as at 05/01/1998. This version of this provision has been superseded.

Changes to legislation: Insurance Companies Act 1982 (repealed), Section 44A is up to date with all changes known to be in force on or before 23 May 2024.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)

- (b) to search the premises and take possession of any documents appearing to be such documents as are mentioned in subsection (1) or (2), as the case may be, or to take, in relation to any such documents, any other steps which may appear to be necessary for preserving them or preventing interference with them;
 - (c) to take copies of any such documents; and
 - (d) to require any person named in the warrant to provide an explanation of them or to state where they may be found.
- (4) f in the case of a warrant under subsection (2) the justice of the peace is satisfied on information on oath that there are reasonable grounds for believing that there are also on the premises other documents relevant to the investigation, the warrant shall also authorise the actions mentioned in subsection (3) to be taken in relation to such documents.
- (5) A warrant under this section shall continue in force until the end of the period of one month beginning with the day on which it is issued.
- (6) Any documents of which possession is taken under this section may be retained—
- (a) for a period of three months; or
 - (b) if within that period proceedings to which the documents are relevant are commenced against any person for any criminal offence, until the conclusion of those proceedings.
- (7) In the application of this section to Scotland for the references to a justice of the peace substitute references to a justice of the peace or a sheriff, and for the references to information on oath substitute references to evidence on oath.
- (8) In this section “document” includes information recorded in any form.]
- [^{F4}(9) The powers conferred by this section shall be exercisable in relation to information on oath given by or on behalf of the Secretary of State as they are exercisable in relation to information on oath given by or on behalf of the Treasury; and for this purpose the reference in subsection (2)(b) to the Treasury shall be construed as a reference to the Secretary of State.]

Textual Amendments

- F1** S. 44A inserted by Companies Act 1989 (c. 40, SIF 27), s. 77(3)
- F2** Words in s. 44A substituted (5.1.1998) by S.I. 1997/2781, art. 8(1), Sch. Pt. I para. 31(a) (with art. 7)
- F3** Word in s. 44A substituted (5.1.1998) by S.I. 1997/2781, art. 8(1), Sch. Pt. I para. 31(b) (with art. 7)
- F4** S. 44A(9) inserted (5.1.1998) by S.I. 1997/2781, art. 8(1), Sch. Pt. I para. 31(e) (with art. 7)

Modifications etc. (not altering text)

- C2** S. 44A: functions to be exercised by the Secretary of State and the Treasury concurrently (5.1.1998) by S.I. 1997/2781, art. 4(1)(b) (with art. 7)
- C3** S. 44A(3): Power of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1
- C4** S. 44A(6) applied (*prosp.*) by 2001 c. 16, s. 57(1)(e)(4)

Status:

Point in time view as at 05/01/1998. This version of this provision has been superseded.

Changes to legislation:

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