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**Changes to legislation:** There are currently no known outstanding effects for the Consumer Rights Act 2015, Cross Heading: Power to enter premises with warrant. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### INVESTIGATORY POWERS ETC.

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##### Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (8.12.2016) by [The Electromagnetic Compatibility Regulations 2016 \(S.I. 2016/1091\)](#), reg. 1, **Sch. 7 para. 3** (with regs. 74, 75(5))
- C1** Sch. 5 applied (with modifications) (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), reg. 1, **Sch. 10 para. 3** (with regs. 3-5, 77)
- C1** [Sch. 5: power to amend conferred \(1.7.2022\) by Health and Care Act 2022 \(c. 31\), ss. 180\(3\)\(a\), 186\(6\); S.I. 2022/734, reg. 2\(a\), Sch.](#) (with regs. 13, 29, 30)

#### PART 4

#### FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND [F1SCHEDULE 13 ENFORCERS]

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##### Textual Amendments

- F1** Words in Sch. 5 Pt. 4 heading substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(7)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

#### *Power to enter premises with warrant*

- 32 (1) A justice of the peace may issue a warrant authorising an officer of an enforcer to enter premises if satisfied, on written information on oath given by such an officer, that there are reasonable grounds for believing that—
- (a) condition A or B is met, and
  - (b) condition C, D or E is met.
- (2) Condition A is that on the premises there are—
- (a) products which an officer of the enforcer has power to inspect under paragraph 25, or
  - (b) documents which an officer of the enforcer could require a person to produce under paragraph 27.
- (3) Condition B is that, on the premises—
- (a) in the case of a domestic enforcer, there has been or is about to be a breach of the enforcer's legislation,

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- (b) in the case of [<sup>F1</sup>a Schedule 13 enforcer], there has been or is about to be a [<sup>F2</sup>Schedule 13 infringement], or
  - (c) in the case of [<sup>F3</sup>a Schedule 13 enforcer], there has been a failure to comply with a measure specified in paragraph 20(3)(b), (c) or (d).
- (4) Condition C is that—
- (a) access to the premises has been or is likely to be refused, and
  - (b) notice of the enforcer's intention to apply for a warrant under this paragraph has been given to the occupier of the premises.
- (5) Condition D is that it is likely that products or documents on the premises would be concealed or interfered with if notice of entry on the premises were given to the occupier of the premises.
- (6) Condition E is that—
- (a) the premises are unoccupied, or
  - (b) the occupier of the premises is absent, and it might defeat the purpose of the entry to wait for the occupier's return.
- (7) In the application of this paragraph to Scotland—
- (a) the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to a sheriff, and
  - (b) the reference in that sub-paragraph to information on oath is to be read as a reference to evidence on oath.
- (8) In the application of this paragraph to Northern Ireland—
- (a) the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to a lay magistrate, and
  - (b) the reference in that sub-paragraph to written information is to be read as a reference to a written complaint.

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#### Textual Amendments

- F1** Words in Sch. 5 para. 32(3)(b) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(10)(a)(i)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 5 para. 32(3)(b) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(10)(a)(ii)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 5 para. 32(3)(c) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(10)(b)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
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#### Commencement Information

- I1** Sch. 5 para. 32 in force at 27.5.2015 for specified purposes for E. by [S.I. 2015/965](#), **art. 2(b)**
- I2** Sch. 5 para. 32 in force at 27.5.2015 for specified purposes by [S.I. 2015/1333](#), **art. 2(a)**
- I3** Sch. 5 para. 32 in force at 1.10.2015 in so far as not already in force by [S.I. 2015/1630](#), **art. 3(h)** (with art. 8)

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