

SCHEDULES

SCHEDULE 12

OFCOM’S POWERS OF ENTRY, INSPECTION AND AUDIT

Conditions for issue of a warrant

- 5 (1) A justice of the peace or (in Northern Ireland) a lay magistrate may issue a warrant in relation to premises specified in an application only if satisfied on sworn information in writing given by an authorised person that—
- (a) the premises are being used by the provider of a regulated service in connection with the provision of a regulated service;
 - (b) there are reasonable grounds to suspect that—
 - (i) the provider is failing to comply, or has failed to comply, with an enforceable requirement that applies in respect of that service, and
 - (ii) there is information or equipment on the premises, or there are documents on the premises, relevant to OFCOM’s investigation into that failure (or possible failure); and
 - (c) any of the conditions in sub-paragraph (2) are met.
- (2) The conditions are that, in relation to the premises specified in the application for a warrant—
- (a) OFCOM have previously given notice to enter the premises, as required in relation to entry without a warrant under paragraph 2, but a person authorised by OFCOM to exercise powers under that paragraph was denied access,
 - (b) a requirement imposed by a person acting in the exercise of powers conferred by paragraph 2 has not been complied with,
 - (c) a requirement of a notice under paragraph 3 has not been complied with,
 - (d) a requirement of a notice under paragraph 4 (audit notice) has not been complied with,
 - (e) giving notice to enter the premises would defeat the object of entry, or
 - (f) OFCOM require access to the premises urgently.