

Telephone: 020 7066 8080
Email: foi@fca.org.uk

[BY EMAIL]

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Our Ref: **FOI3617**

Freedom of Information : Right to know request

Thank you for your request under the Freedom of Information Act 2000 (the Act), for information about:

“What is the standard procedure you follow in order to obtain a search warrant and what was the standard procedure the OFT/Trading standards followed in order to obtain a search warrant?”

Your request has now been considered and the relevant information is as follows:

Our procedure

Our standard procedure to obtain a search warrant is for a member of the investigation team to make an application on oath before the Crown (or Magistrates) court in accordance with the provisions set out in Section 176 of the Financial Services and Markets Act 2000 (taking into account sections 15 and 16 of the Police and Criminal Evidence Act 1984).

The OFT's procedure

The OFT closed down on 31 March 2014 and its responsibilities were transferred to us and the Competition and Markets Authority. We believe the OFT's procedure for obtaining a warrant was as follows:

- Competition matters

The OFT's procedure for obtaining a warrant for Competition matters is outlined in the Civil Procedure Rules Practice Direction (Application for a warrant under the Competition Act 1998, paragraphs 1.1 – 10.1). The application had to be made to a High Court judge using the Part 8 procedure and had to be made to a judge of the Chancery Division in the Royal Courts of Justice. The application could be made without notice and the claim form could be issued without naming the defendant. The warrant had to be for a named office of the OFT and other authorised officers. The warrant would allow the officers to enter and search both the business and domestic premises. A warrant was not necessary for business premises.

- Consumer Credit matters

The local authorities and the OFT had wide ranging powers under the Consumer Protection from Unfair Trading Regulations 2008 (CPUTR), which included the power to enter premises without a warrant (other than someone's home) during business hours and inspect goods or documents or seize goods and documents.

They could also apply to enter business premises by force and domestic premises with a warrant from the magistrates' court. For the warrant to be granted, they would need to be sure that the premises had documents which were likely to disclose evidence of an offence or that an offence was about to be committed. In addition, they would need to show one of the following: entry to the premises would be refused; giving notice of entry would defeat the object; or the premises were unoccupied. Once again sections 15 and 16 of the Police and Criminal Evidence Act 1984 would need to be taken into account.

Please note we do not deal with trading standards queries.

Yours sincerely

Information Access Team