

# Powers of Entry etc. Bill [HL]

---

---

## CONTENTS

- 1 Interpretation
- 2 Powers regulated by this Act
- 3 Exercise of existing powers
- 4 Powers: general limitations
- 5 Limitations on powers of entry
- 6 Times when entry may take place
- 7 Number of persons permitted to enter premises
- 8 Declaration of identity
- 9 Production of documents etc.
- 10 Seizure of documents
- 11 Saving
- 12 Short title, commencement and extent

- 
- Schedule – Acts and secondary legislation containing powers  
Part 1 – Primary legislation  
Part 2 – Secondary legislation

A  
**B I L L**

TO

Regulate powers of entry and powers in relation to documents; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Interpretation**

In this Act—

“authorised person” means a person authorised by the Minister responsible for the enforcement of an Act or instrument containing powers, and

5

“powers” means the powers listed in section 2.

**2 Powers regulated by this Act**

This Act regulates the exercise of powers of—

(a) entry, for the purposes of ascertaining—

(i) whether an offence has been committed, or

10

(ii) whether the provisions of an Act of Parliament, or of an item of secondary legislation, have been complied with,

(b) examination, production and seizure of objects, documents and electronic records,

(c) compulsion in relation to the production of documents.

15

**3 Exercise of existing powers**

The powers contained in the Acts and instruments listed in the Schedule to this Act shall be exercised subject to sections 5 to 10 of this Act.

#### 4 Powers: general limitations

Any powers contained in any Act or instrument passed after the coming into force of this Act shall be exercised subject to sections 5 to 10 of this Act, unless the Act or instrument provides to the contrary.

#### 5 Limitations on powers of entry

5

- (1) No power of entry shall be exercised unless—
  - (a) the requirements of subsection (2) have been satisfied, or
  - (b) the entry is necessary to avert danger to life or property.
- (2) The requirements are that—
  - (a) the entry has been authorised by an order of a judge or magistrate in accordance with subsections (3) and (4),
  - (b) the order has been shown to the person having control of the premises,
  - (c) the person having control of the premises has agreed that the entry should take place.
- (3) An order under subsection (2)(a) may only be made following an application by an authorised person. 15
- (4) An application by an authorised person shall be supported by evidence, on oath, that the person reasonably believes that—
  - (a) an offence may have been committed, or
  - (b) that there has been a breach of the provisions of the relevant Act or instrument. 20

#### 6 Times when entry may take place

Unless otherwise specified in an order of a court or a magistrate—

- (a) no power of entry shall be exercised on a bank holiday or other nationally recognised public holiday, and
- (b) no entry shall take place except—
  - (i) between 8am and 6pm on Mondays to Fridays,
  - (ii) between 8am and 1pm on Saturdays.

25

#### 7 Number of persons permitted to enter premises

The maximum number of persons who may enter premises shall be four, including the authorised person, unless the order provides otherwise.

30

#### 8 Declaration of identity

The authorised person shall, upon entry of any premises, inform the occupier of the premises of—

- (a) the authorised person's identity,
- (b) the identity of all other persons making the entry, and
- (c) the reason for the entry.

35

**9 Production of documents etc.**

- (1) No power compelling the production of documents or electronic records (“documents etc.”) shall be exercised unless the requirements of subsection (2) have been satisfied.
- (2) The requirements are that—
  - (a) the power is exercised subject to an order of a judge or magistrate issued following an application in accordance with subsection (3),
  - (b) the order shall fix a deadline for the production of the documents etc. which shall be no earlier than 5pm on the seventh working day following the making of the order,
  - (c) the documents etc. shall be produced at the place of business or residence of the person on whom the order is served,
  - (d) the order shall state the period of time for which the documents etc. will be held.
- (3) An order under subsection (2)(a) may only be made following an application by an authorised person.
- (4) An application under subsection (3) shall be supported by evidence, on oath, that the authorised person reasonably believes that the production of the documents etc. is necessary pursuant to the provisions of the relevant Act or instrument.

**10 Seizure of documents**

- (1) No seizure of documents etc. shall take place without an order under subsection (6).
- (2) Before applying for an order under subsection (6) the authorised person shall notify the person having charge of the documents etc. that the documents etc. are required.
- (3) The notification under subsection (2) shall state the reason why the documents etc. are required, and shall specify the relevant Act or instrument.
- (4) The notification shall inform the person having charge of the documents etc. that he may provide electronic or paper copies of them to the authorised person; and shall specify—
  - (a) the latest date and time for the provision of such copies, and
  - (b) the place where the copies shall be provided.
- (5) If the copies of the documents etc. are provided in accordance with subsection (4), no order for seizure may be made.
- (6) If copies of the documents etc. are not provided in accordance with subsection (4), an authorised person may apply to a judge or magistrate for an order permitting seizure of documents etc.
- (7) The application shall be supported by evidence from the authorised person, on oath, that the seizure is necessary pursuant to the provisions of the relevant Act or instrument.

**11 Saving**

Nothing in this Act shall apply to the issue or execution of warrants in connection with indictable offences, including terrorist offences.

**12 Short title, commencement and extent**

- (1) This Act shall be cited as the Powers of Entry etc. Act 2010. 5
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to—
  - (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland. 10

## SCHEDULE

Section 3

### ACTS AND SECONDARY LEGISLATION CONTAINING POWERS

#### PART 1

##### PRIMARY LEGISLATION

Adoption Act 1976 (c. 36)	5
Adoption and Children Act 2002 (c. 38)	
Agriculture Wages Act 1948	
Agriculture Act 1947	
Agriculture Act 1967	
Agriculture Act 1970	10
Agriculture and Horticulture Act 1964	
Alcoholic Liquor Duties Act 1979	
Anatomy Act 1984	
Ancient Monuments and Archaeological Areas Act 1979	
Animal Boarding Establishments Act 1963	15
Animal Health Act 1981	
Animal Health Act 2002	
Appellate Jurisdiction Act 1876	
Asylum and Immigration Act 1996	
Aviation and Maritime Security Act 1990	20
Aviation Security Act 1982	
Bankers' Books Evidence Act 1879	
Banking Act 1987	
Betting and Gaming Duties Act 1981	
Betting, Gaming and Lotteries Act 1963	25
Biological Weapons Act 1974	
Breeding of Dogs Act 1991	
British Fishing Boats Act 1983	
Broadcasting Act 1990	
Building Act 1984	30
Cable and Broadcasting Act 1984	
Caravan Sites and Control of Development Act 1960	
Care Standards Act 2000	
Child Support Act 1991	
Children Act 1989	35
Children and Adoption Act 2002	
Children and Young Persons Act 1933	
Children and Young Persons Act 1963	
Children and Young Persons Act 1969	
Children and Young Persons (Harmful Publications) Act 1955	40

Cinemas Act 1985	
Civil Aviation Act 1982	
Civil Evidence Act 1968	
Civil Procedure Act 1997	
Clean Air Act 1956	5
Clean Air Act 1993	
Coast Protection Act 1949	
Communications Act 2003	
Community Land Act 1975	
Companies Act 1929	10
Companies Act 1985	
Competition Act 1998	
Compulsory Purchase Act 1965	
Computer Misuse Act 1990	
Conservation of Seals Act 1970	15
Consumer Credit Act 1974	
Consumer Protection Act 1987	
Contempt of Court Act 1981	
Control of Pollution Act 1974	
Copyright, Designs and Patents Act 1988	20
Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002	
Countryside Act 1968	
Countryside and Rights of Way Act 2000	
County Courts Act 1984	
Courts Act 1971	25
Courts Act 2003	
Crime and Disorder Act 1998	
Crime (Sentences) Act 1997	
Criminal Appeal Act 1968	
Criminal Damage Act 1971	30
Criminal Justice Act 1925	
Criminal Justice Act 1987	
Criminal Justice Act 1988	
Criminal Justice (International Co-operation) Act 1990	
Criminal Justice and Police Act 2001	35
Criminal Justice and Public Order Act 1994	
Criminal Law Act 1967	
Criminal Law Act 1977	
Criminal Libel Act 1819	
Crossbows Act 1987	40
Crown Proceedings Act 1947	
Customs Consolidation Act 1876	
Customs and Excise Management Act 1979	
Dangerous Dogs Act 1991	
Dangerous Wild Animals Act 1976	45
Data Protection Act 1984	
Data Protection Act 1998	

Deer Act 1991	
Dentists Act 1984	
Diseases of Fish Act 1937	
Distress for Rent Act 1689	
Distress for Rent Act 1737	5
Dogs Act 1906	
Dramatic and Musical Performers' Protection Act 1958	
Drug Trafficking Act 1986	
Drug Trafficking Act 1994	
Education Act 1996	10
Education Act 1997	
Electricity Act 1989	
Emergency Laws (Re-enactments and Repeals) Act 1964	
Employment and Training Act 1973	
Energy Act 1976	15
Energy Conservation Act 1981	
Enterprise Act 2002	
Environment Act 1995	
Environment Protection Act 1985	
European Communities Act 1972	20
Explosive Substances Act 1883	
Explosives Act 1875	
Extradition Act 2003	
Finance Act 1946	
Finance Act 1976	25
Finance Act 1985	
Finance Act 1986	
Finance Act 1988	
Finance Act 1991	
Finance Act 1993	30
Finance Act 1994	
Finance Act 1995	
Finance Act 1997	
Finance Act 2000	
Financial Services and Markets Act 2000	35
Fire Precautions Act 1971	
Fire Safety and Safety of Places of Sport Act 1987	
Fire Services Act 1947	
Food Standards Act 1999	
Football (Offences) Act 1991	40
Football Spectators Act 1989	
Forgery Act 1913	
Forgery and Counterfeiting Act 1981	
Freedom of Information Act 2000	
Game Act 1831	45
Game Laws (Amendment) Act 1960	
Gaming Act 1968	



Gaming (Bingo) Act 1985	
Gas Act 1965	
Gas Act 1986	
Gas Act 1995	
Goods Vehicles (Licensing of Operators) Act 1995	5
Health and Safety at Work etc. Act 1974	
Health and Social Care (Community Health and Standards) Act 2003	
Highways Act 1980	
Hill Farming Act 1946	
Housing Act 1957	10
Housing Act 1985	
Human Fertilisation and Embryology Act 1990	
Human Rights Act 1998	
Hydrocarbon Oil Duties Act 1979	
Hypnotism Act 1952	15
Immigration Act 1971	
Immigration and Asylum Act 1999	
Immigration and Asylum Act 2002	
Import, Export and Customs Powers (Defence) Act 1939	
Incitement to Disaffection Act 1934	20
Income and Corporation Taxes Act 1988	
Indecent Displays (Control) Act 1981	
Inheritance Tax Act 1984	
Insolvency Act 1986	
Insurance Companies Act 1982	25
Interpretation Act 1978	
Interception of Communications Act 1985	
International Carriage of Perishable Foodstuffs Act 1976	
Jobseekers Act 1995	
Judgments Act 1838	30
Knives Act 1997	
Land Drainage Act 1991	
Land Tax Act 1797	
Landmines Act 1998	
Law of Distress Amendment Act 1888	35
Law of Distress Amendment Act 1908	
Learning and Skills Act 2000	
Licensing Act 1964	
Licensing Act 2003	
Local Government Act 1988	40
Local Government Finance Act 1988	
Local Government Finance Act 1992	
Local Government and Housing Act 1989	
Local Government (Miscellaneous Provisions) Act 1976	
Local Government (Miscellaneous Provisions) Act 1982	45
Local Government, Planning and Land Act 1980	
London Government Act 1963	

Lotteries and Amusements Act 1976	
Magistrates' Courts Act 1980	
Marine, etc., Broadcasting (Offences) 1967	
Matrimonial Causes Act 1973	
Medicines Act 1968	5
Mental Health Act 1983	
Merchant Shipping Act 1995	
Milk (Cessation of Production) Act 1985	
Mineral Workings Act 1985	
Misuse of Drugs Act 1971	10
National Assistance Act 1948	
National Minimum Wage Act 1998	
National Parks and Access to the Countryside Act 1949	
New Roads and Street Works Act 1991	
Night Poaching Act 1828	15
Noise Act 1996	
Nuclear Safeguards Act 2000	
Obscene Publications Act 1876	
Obscene Publications Act 1959	
Offences against the Person Act 1861	20
Offensive Weapons Act 1996	
Official Secrets Act 1911	
Official Secrets Act 1989	
Oil Taxation Act 1975	
Pension Schemes Act 1993	25
Pensions Act 1993	
Pensions Act 1995	
Performing Animals (Regulation) Act 1925	
Perjury Act 1911	
Pests Act 1954	30
Pet Animals Act 1951	
Petroleum (Consolidation) Act 1928	
Pipelines Act 1962	
Planning and Compensation Act 1991	
Planning (Hazardous Substances) Act 1990	35
Planning (Listed Buildings and Conservation Areas) Act 1990	
Plant Health Act 1967	
Plant Varieties and Seeds Act 1964	
Poaching Prevention Act 1862	
Poisons Act 1972	40
Police Act 1964	
Police Act 1966	
Police Act 1996	
Police Act 1997	
Police and Criminal Evidence Act 1984	45
Police (Property) Act 1897	
Police (Property) Act 1997	

---

Police Reform Act 2002	
Powers of Criminal Courts Act 1973	
Powers of Criminal Courts (Sentencing) Act 2000	
Prevention of Crime Act 1908	
Prevention of Crime Act 1953	5
Prevention of Damage by Pests Act 1949	
Prevention of Terrorism Act 1989	
Private Security Industry Act 2001	
Proceeds of Crime Act 1995	
Proceeds of Crime Act 2002	10
Property Misdescriptions Act 1991	
Protection of Animals Act 1911	
Protection of Badgers Act 1992	
Protection of Children Act 1978	
Protection from Harassment Act 1997	15
Public Health Act 1875	
Public Health Act 1936	
Public Health Act 1961	
Public Health (Control of Disease) Act 1984	
Public Order Act 1936	20
Public Order Act 1984	
Public Order Act 1986	
Public Stores Act 1875	
Radioactive Material (Road Transport) Act 1991	
Railways Act 1993	25
Railways and Transport Safety Act 2003	
Refuse Disposal (Amenity) Act 1978	
Regional Development Agencies Act 1998	
Regulation of Investigatory Powers Act 2000	
Rent Act 1965	30
Rent Act 1968	
Rent Act 1977	
Rent (Agriculture) Act 1976	
Reservoirs Act 1975	
Riding Establishments Act 1964	35
Rights of Entry (Gas and Electricity Boards) Act 1954	
Rights of Way Act 1990	
Road Traffic Act 1971	
Road Traffic Act 1988	
Road Traffic Regulation Act 1984	40
Safety of Sports Grounds Act 1975	
Schools Inspection Act 1996	
Scrap Metal Dealers Act 1964	
Sea Fish (Conservation) Act 1967	
Sea Fish (Conservation) Act 1992	45
Sea Fisheries Act 1968	
Sea Fisheries (Shellfish) Act 1967	

Sexual Offences Act 1956	
Sexual Offences Act 1985	
Sexual Offences Act 2003	
Slaughter of Poultry Act 1967	
Slaughterhouses Act 1974	5
Social Security Act 1973	
Social Security Act 1998	
Social Security Administration Act 1992	
Social Security Contributions and Benefits Act 1992	
Social Security (Incapacity for Work) Act 1994	10
Social Security (Recovery of Benefits) Act 1997	
Solicitors Act 1974	
Sporting Events (Control of Alcohol etc.) Act 1985	
Stamp Act 1891	
Sunday Trading Act 1994	15
Supreme Court Act 1981	
Taking of Hostages Act 1982	
Taxation of Chargeable Gains Act 1992	
Taxes Management Act 1970	
Telecommunications Act 1984	20
Terrorism Act 2000	
Theatres Act 1968	
Theft Act 1968	
Theft Act 1978	
Tobacco Advertising and Promotion Act 2002	25
Torts (Interference with Goods) Act 1977	
Town and Country Planning Act 1971	
Town and Country Planning Act 1990	
Trade Descriptions Act 1968	
Trade Descriptions Act 1972	30
Trade Marks Act 1994	
Transport Act 1981	
Transport and Works Act 1992	
Utilities Act 2000	
Value Added Tax Act 1994	35
Vehicles (Crime) Act 2001	
Video Recordings Act 1984	
Water Industry Act 1991	
Water Resources Act 1991	
Weights and Measures Act 1985	40
Welfare Reform and Pensions Act 1999	
Wildlife and Countryside Act 1981	
Wireless Telegraphy Act 1949	
Youth Justice and Criminal Evidence Act 1999	
Zoo Licensing Act 1981	45

## PART 2

## SECONDARY LEGISLATION

Aerosol Dispensers (EEC Requirements) Regulations 1977	
African Swine Fever Order 1980	
Aujesky's Disease Order 1983	5
Carriage of Dangerous Good and Use of Transportable Pressure Equipment Regulations 2004	
Cattle Plague Order 1928	
Channel Tunnel (Security) Order 1994	
Civil Procedure Rules 1998	10
Companies (Northern Ireland) Order 1986	
Consumer Credit (Entry and Inspection) Regulations 1977	
Conveyance of Live Poultry Order 1919	
Council Tax (Administration and Enforcement) Regulations 1992	
County Court Rules 1981	15
Criminal Justice Act 1988 (Offensive Weapons) Order 2002	
Dangerous Substances and Explosive Atmospheres Regulations 2002	
Defence (Control of Textiles) Regulations 1945	
Diseases of Animals (Seizure) Order 1993	
Disposals of Vehicles Regulations 1968	20
Distress for Customs and Excise Duties and Other Indirect Taxes Regulations 1997	
Distress for Rent (Amendment) Rules 1999	
Distress for Rent Rules 1988	
Dutch Elm Disease (Local Authorities) Order 1984	25
Farm and Horticultural Development Regulations 1981	
Feeding Stuffs (Sampling and Analysis) Regulations 1999	
Fertilisers (Sampling and Analysis) Regulations 1996	
Fire Precautions (Workplace) Regulations 1997	
Gas (Road Fuel) Regulations 1972	30
Gas Safety (Rights of Entry) Regulations 1996	
Grading of Horticultural Produce (Forms of Labels) Regulations 1982	
Health and Safety (Enforcing Authority) Regulations 1998	
High Court and County Courts Jurisdiction Order 1991	
Hops Certification Regulations 1979	35
Hydrocarbon Oil (Amendment) Regulations 1977	
Hydrocarbon Oil (Amendment) Regulations 1981	
Hydrocarbon Oil (Amendment) Regulations 1985	
Hydrocarbon Oil (Amendment) Regulations 1992	
Hydrocarbon Oil (Amendment) Regulations 1993	40
Hydrocarbon Oil (Industrial Reliefs) Regulations 2002	
Hydrocarbon Oil (Payment of Rebates) Regulations 1996	
Hydrocarbon Oil Regulations 1973	
Import of Goods (Control) Order 1954	
Importation of Processed Animal Protein Order 1981	45
Income Tax (Pay As You Earn) Regulations 2003	

Income Tax (Sub-Contractors in the Construction Industry) Regulations 1993	
Infectious Disease of Horses Order 1987	
Inspection of Boarding School and Colleges (Powers and Fees) (Wales) Regulations 2002	5
Magistrates' Courts Rules 1981	
Medicines (Animal Feeding Stuffs) (Enforcement) Regulations 1985	
Mental Health Act 1983 (Remedial) Order	
Methylated Spirits Regulations 1987	
National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2000	10
Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989	
Orders for the Delivery of Documents (Procedure) Regulations 2000	
Plant Health (Forestry) (Great Britain) Order 1993	15
Plant Health (Great Britain) Order 1993	
Plant Health (Phytophthora ramorum) (England) (No 2) Order 2002	
Plant Health (Phytophthora ramorum) (Wales) (No 2) Order 2002	
Police Act 1997 (Notification of Authorisations etc) Order 1998	
Police and Criminal Evidence Act 1984 (Application to Armed Forces) (Amendment) Order 1990	20
Police and Criminal Evidence Act 1984 (Application to Customs and Excise) (Amendment) Order 1995	
Police and Criminal Evidence Act 1984 (Application to Customs and Excise) (Amendment) Order 1996	25
Police and Criminal Evidence Act 1984 (Application to Customs and Excise) (Amendment) Order 1985	
Police and Criminal Evidence Act 1984 (Application to Customs and Excise) (Amendment) Order 1987	
Police (Property) Regulations 1997	30
Potatoes Originating in Germany (Notification) (England) (Order) 2001	
Potatoes Originating in Germany (Notification) (Wales) (Order) 2001	
Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence (Northern Ireland) Order 1989) Order 2003	35
Property Misdescriptions (Specified Matters) Order 1992	
Rabies (Control) Order 1974	
Rules of the Supreme Court 1965	
Seed Potatoes Regulation 1991	
Specified Pathogens Order 1998	40
Specified Risk Material Order 1997	
Spirits Regulations 1991	
Stamp Duty Reserve Tax Regulations 1986	
Swine Vesicular Disease Order 1972	
Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000	45
The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004	
Tuberculosis (England and Wales) Order 1984	

Warble Fly (England and Wales) Order 1982  
Weeds Act 1959  
Zoonoses Order 1975

# Powers of Entry etc. Bill [HL]

---

---

A

## B I L L

To regulate powers of entry and powers in relation to documents; and for connected purposes.

*Lord Selsdon*

---

*Ordered to be Printed, 19th November 2009*

---

© Parliamentary copyright House of Lords 2009  
*Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON – THE STATIONERY OFFICE LIMITED  
Printed in the United Kingdom by  
The Stationery Office Limited  
£x.xx

HL Bill 12

(xxxxxx)

54/5

xxxbarxxx