

## Chapter 4

# Conduct of investigations

## 4.12 Search and seizure powers

### 4.12.1

Under sections 176 and 122D of the *Act*, the *FCA* has the power to apply to a justice of the peace for a warrant to enter premises where documents or information is held. The circumstances under which the *FCA* may apply for a search warrant include:

- (1) where a *person* on whom an information requirement has been imposed fails (wholly or in part) to comply with it; or
- (2) where there are reasonable grounds for believing that if an information requirement were to be imposed, it would not be complied with, or that the documents or information to which the information requirement relates, would be removed, tampered with or destroyed.

### 4.12.2

A warrant obtained pursuant to sections 176 and 122D of the *Act* authorises a police constable or an *FCA* investigator in the company, and under the supervision of, a police constable, to do the following, amongst other things: to enter and search the premises specified in the warrant and take possession of any documents or information appearing to be documents or information of a kind in respect of which the warrant was issued or to take, in relation to any such documents or information, any other steps which may appear to be necessary for preserving them or preventing interference with them.