**IN THE HIGH COURT OF JUSTICE CLAIM No. of 20**

**CHANCERY DIVISION**

**CLAIMANT:**

**[The Competition and Markets Authority] *[insert address]***

**PREMISES TO WHICH THIS WARRANT RELATES:**

***[insert address]***

**WARRANT TO ENTER PREMISES AND EXERCISE POWERS**

# UNDER SECTION 75 OF THE DIGITAL MARKETS COMPETITION AND CONSUMERS ACT 2024

**To *[insert name of person/undertaking*, who is believed to be the occupier of the*]* premises described above (“the premises”) and to any person in charge of, or operating at or from, the premises:**

*You should read the terms of this Warrant and the accompanying Explanatory Note very carefully. You are advised to consult a Solicitor as soon as possible. If you intentionally obstruct an officer or fail to comply with any requirement of the officers or other persons exercising their powers under the Warrant, you may be committing a criminal offence under sections 93 to 95 of the Digital Markets Competition and Consumers Act 2024, the relevant terms of which are set out in Schedule C to this Warrant.*

*If you obstruct an officer or fail to comply with any requirement of the officers or other persons exercising their powers under the Warrant without reasonable excuse, you may be liable to a civil penalty under section 87 of the Digital Markets Competition and Consumers Act 2024, the relevant terms of which are set out in Schedule C to this Warrant.*

An application was made on *[insert date]* by Counsel for the Competition and Markets Authority *[or other name of Claimant]* (“the CMA”) to The Honourable M[] Justice *[insert name]*(“the Judge”), for a warrant under section 75 of the Digital Markets Competition and Consumers Act 2024 (“the 2024 Act”) on the grounds that *[insert the text of section 75(1) and the relevant subsection 75(1)(b)(i) and/or (ii) of the 2024 Act as appropriate]*.

The Judge read the evidence in support of the application and was satisfied that the grounds in section 75(1) *[insert the relevant subsections as appropriate]* of the 2024 Act have been met and accepted the undertakings by *[insert name]*, an officer of the CMA authorised to act as the “named officer”, set out in Schedule A to this Warrant. The named officer is the principal officer of the CMA in charge of executing this Warrant.

As a result of the application, this Warrant in relation to the premises was issued by the Judge on *[insert date]*.

*[Include whichever version of paragraph 1 below is appropriate]*

1. *[In a domestic case]* This Warrant is issued for the purposes of a breach investigation (see section 118(1) of the 2024 Act) *[insert* *the relevant requirements imposed under Part 1 of the 2024 Act which are subject to the breach investigation]* by the CMA.

1. *[In an overseas investigative assistance case]* This Warrant is issued in respect of a request for assistance from *[insert name of overseas regulator]* under Chapter 2 of Part 5 of the 2024 Act (provision of investigative assistance to overseas regulators) in connection with the functions of *[insert name of overseas regulator]* under *[insert a reference to the provisions of the law in the country or territory of the overseas regulator under which the overseas regulator is carrying out functions which CMA considers correspond or are similar to the functions of the CMA under Part 1 of the 2024 Act]*.

1. *[Set out the subject matter and purpose of the breach investigation or the investigation in connection with a request for overseas assistance (as the case may be). In an overseas investigative assistance case, it must be specified whether the undertaking in relation to which this warrant is issued is suspected of having committed a breach of the law in the country or territory of the overseas regulator.]*.
2. This Warrant continues in force until the end of the period of one month beginning with the day on which it is issued and may be executed on any one or more days within that period.
3. By this Warrant the named officer and the other officers [and person(s)] *[the words in brackets shall be included if the Judge so orders pursuant to section 75(4) of the 2024 Act]* named in Schedule B and authorised in writing by the CMA to accompany the named officer, are authorised to produce the Warrant between 9:30am and 5:30pm on a weekday *[unless the Judge has ordered otherwise]* and on producing the Warrant to:
	1. enter the premises specified in the warrant, using such force as is reasonably necessary;
	2. take onto the premises such equipment as appears to the authorised officer to be necessary;
	3. search the premises for information appearing to be information of the relevant kind;
	4. operate any equipment found on the premises for the purpose of producing information;
	5. require any person on the premises to provide such assistance as the authorised officer may reasonably require (including providing passwords or encryption keys and operating equipment on the premises);
	6. require any person on the premises to give information to the authorised officer;
	7. require any person on the premises to state, to the best of their knowledge and belief, where information appearing to be of the relevant kind may be found;
	8. take copies of, or extracts from, any information appearing to be information of the relevant kind;
	9. take possession of any information appearing to be information of the relevant kind that is produced under paragraph (d) or given to the authorised officer under paragraph (f);
	10. take possession of any other information appearing to be information of the relevant kind if—
		1. such action appears to be necessary for preserving the information or preventing interference with it, or
		2. it is not reasonably practicable to take copies of the information on the premises;
	11. take any other steps which appear to be necessary for the purpose of preserving any information appearing to be information of the relevant kind or preventing interference with it.
4. Any information given to the named officer and the other officers [and person(s)] under paragraph 4 must be in a form
	1. in which it can be taken away, and
	2. which is visible and legible or from which it can be readily be generated in a visible and legible from.
5. Pursuant to section 50 of the Criminal Justice and Police Act 2001, the powers set out in paragraph 4 of this Warrant include the powers-
	1. in relation to the power in paragraph 4(h)—
		1. to take copies of any document in order to determine later and elsewhere whether (or the extent to which) the document is of the relevant kind, where in all the circumstances it is not reasonably practicable to determine this on the premises; and
		2. to take copies of any document comprised in something else where in all the circumstances it is not reasonably practicable to separate, on the premises, the document which is of the relevant kind from a document which is not but in which it is comprised; and
	2. in relation to the power in paragraph 4(i)and(j) the same powers as in 5(a) above except that the references to taking copies of any document are to be treated as references to taking possession of the document itself.
6. If there is no one at the premises when the named officer proposes to execute this Warrant he must, before executing it —
	1. take reasonable steps to inform the occupier of the intended entry, and
	2. if the occupier is informed, afford them or their legal or other representative a reasonable opportunity to be present when the warrant is executed.
7. If the named officer is unable to inform the occupier of the intended entry he must, when executing this Warrant, leave a copy of it in a prominent place on the premises.
8. On leaving the premises, the named officer must, if they are unoccupied or the occupier is temporarily absent, leave them as effectively secured as they found them.
9. Terms used in this Warrant have the following meanings in accordance with the 2024 Act:

“breach investigation” means an investigation (including a conduct investigation) into whether an undertaking is breaching or has breached a requirement imposed on the undertaking under Part 1 of the 2024 Act by virtue of the undertaking being, or having been, a designated undertaking

“domestic premises” means premises (or any part of premises) that are used as a dwelling and are—

1. premises also used in connection with the affairs of an undertaking or, where the undertaking is part of a group, a member of that group, or
2. premises where information relating to the affairs of an undertaking or, where the undertaking is part of a group, a member of that group, is located;

“information” includes

1. information in the form of a document, whether in draft or final form;
2. information in any other form;
3. data, code, algorithms, estimates, forecasts, returns and explanations;

“occupier” means a person whom the authorised officer reasonably believes is the occupier of those premises

 and

“premises” includes business premises (see section 71(7) of the 2024 Act) and domestic premises.

**SCHEDULE A**

UNDERTAKINGS GIVEN TO THE COURT BY THE NAMED OFFICER

If the premises are occupied when the Warrant is to be executed:

* 1. To produce the Warrant and an Explanatory Note on arrival at the premises; and
	2. As soon as possible thereafter to serve personally a copy of the Warrant and of the Explanatory Note on the occupier or person appearing to him to be in charge of the premises.

The Explanatory Note was produced to the Court with the application for the Warrant.

**SCHEDULE B**

NAMES OF PERSONS AUTHORISED TO EXECUTE THE WARRANT

*[insert name of the named officer]* who is the CMA’s officer authorised in writing by the CMA to be the named officer.

*[insert name of each of the other officers]* who are the CMA’s other officers authorised in writing by the CMA to accompany the named officer.

*[insert name of each of the other person(s)]* who is *[insert job title of each person]* and who [is/are] authorised in writing by the CMA to accompany the

named officer. *[This paragraph shall be included if the Judge so orders*

*pursuant to section 75(4) of the 2024 Act.]*

**SCHEDULE C**

POSSIBLE CONSEQUENCES OF NON-COMPLIANCE

Offences:

The offences created by sections 93 to 95 of the 2024 Act in connection with the execution of a warrant under section 75 of that Act and the relevant sentence is set out below.

In a case where the warrant has been issued in connection with investigative assistance being provided to an overseas regulator by virtue of Chapter 2 of Part 5 of the 2024 Act, references in any of the sections set out below to the CMA’s digital markets functions include a reference to those functions as exercised by virtue of that Chapter – see section 319(4) of the 2024 Act. As a result, for example, the offence created by section 94(1) of the 2024 Act in relation to the provision of false or misleading information to the CMA in connection with its digital markets functions would also apply in relation to the provision of such information in connection with assistance being provided by the CMA to an overseas regulator by virtue of the Chapter 2 of Part 5 of the 2024 Act.

1. **Destroying or falsifying information**
	1. A person (“P”) commits an offence if, having been required to give information to the CMA or any other person under a provision of Chapter 6, P—
		1. intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it, or
		2. causes or permits its destruction, disposal, falsification or concealment.
	2. See section 97 for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.
2. **False or misleading information**
3. A person (“P”) commits an offence if—
	* 1. P gives information to the CMA in connection with any of the CMA’s digital markets functions,
		2. the information is false or misleading in a material particular, and
		3. P knows that it is or is reckless as to whether it is.
4. A person (“P”) commits an offence if P gives information to another person

which is false or misleading in a material particular and P—

 (a) either—

* + - * 1. knows the information to be false or misleading in a material particular, or
				2. is reckless as to whether the information is false or misleading

in a material particular, and

(b) knows that the information will be given to the CMA in connection with any of its digital markets functions.

1. See section 97 for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.
2. **Obstructing an officer**
3. A person (“P”) commits an offence if P intentionally obstructs an officer of the CMA acting in the exercise of the officer’s powers under—
	* 1. section 74, or
		2. a warrant issued under section 75.
4. See section 97 for provision restricting the application of this section in relation to acts done by a person who is outside the United Kingdom.

**98 Sentences**

1. A person guilty of an offence under section 93, 94 or 95 is liable—
	* 1. on summary conviction in England and Wales, to a fine;
		2. on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
		3. on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Liability to civil penalties in the event of non-compliance

The powers to impose civil penalties and the amount of penalties, in connection with the execution of a warrant under section 75 of the 2024 Act, are set out in sections 87 and 88 of that Act and are as follows.

1. **Penalties for failure to comply with investigative requirements**
2. The CMA may impose a penalty on a person where it considers that the person has, without reasonable excuse—
	* 1. failed to comply with a requirement imposed by or under Chapter 6,
		2. given information which is false or misleading in a material particular in connection with any function of the CMA under this Part, or
		3. given information which is false or misleading in a material particular to another person knowing that the information was to be used for the purpose of giving information to the CMA in connection with any function of the CMA under this Part.

…

(4) The CMA may impose a penalty on an individual where it considers that the individual has, without reasonable excuse, obstructed an officer of the CMA acting in the exercise of the officer’s powers under—

* + 1. section 74, or
		2. a warrant issued under section 75.
1. **Amount of penalties under section 87**
	1. The amount of a penalty imposed on a person under section 87 may be such amount as the CMA considers appropriate, provided it does not exceed the amounts set out in subsections (3) and (5).
	2. The amount of a penalty under section 87 must be—
		1. a fixed amount,
		2. an amount calculated by reference to a daily rate, or
		3. a combination of a fixed amount and an amount calculated by reference to a daily rate.
	3. The maximum amounts of a penalty that may be imposed on a person other than an individual are—
		1. in the case of a fixed amount, an amount equal to 1% of the total value of the person’s turnover (both inside and outside the United Kingdom);
		2. in the case of an amount calculated by reference to a daily rate, for each day an amount equal to 5% of the total value of the person’s daily turnover (both inside and outside the United Kingdom);
		3. in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.
	4. Where a person is an undertaking that is part of a group, references in subsection (3) to the person’s turnover are to the turnover of that group.
	5. The maximum amounts of a penalty that may be imposed on an individual are—
		1. in the case of a fixed amount, £30,000,
		2. in the case of an amount calculated by reference to a daily rate, £15,000 per day, or
		3. in the case of a combination of a fixed amount and an amount calculated by reference to a daily rate, the amounts mentioned in paragraph (a), in relation to the fixed amount, and paragraph (b), in relation to the amount calculated by reference to a daily rate.

…

**DATED this [ ] day of [ ] 20**

**THE HONOURABLE M[] JUSTICE [ ]**