

Handling unannounced visits under warrant from regulatory or enforcement authorities

Introduction

A number of Government organisations including HMRC have the power to search premises under warrant. Where such searches are conducted they often (but not always) happen early in the day ("Dawn Raids".) In most cases where a member is subject to such a search it is likely to be as a third party and not as a suspect. If a member is uncertain then legal advice must be sought immediately.

Preparation in advance

- The risk of a dawn raid is low, however, given the potentially disruptive impact on business and the reputational risk, members need to be prepared.
- It is good practice to have a dawn raid procedures in place for all staff to comply with. For a small firm with one location this could simply involve identifying in advance a suitable expert who could be contacted. For a larger firm a detailed procedure for staff to follow might be appropriate including appointing a single 'responsible person'.
- There are specialists advisers who have 24 hour contact so that they can help you manage the problem. You can locate an investigations specialist under our Find a Tax Adviser link http://www.tax.org.uk/about_the_ciot/find-a-cta or the Law Society – find a solicitor link (<http://www.lawsociety.org.uk/find-a-solicitor/>) provides details of regulatory lawyers throughout the UK.

Suggested actions

Arrival

- Make sure your receptionist or any security personnel know who to contact if investigators arrive at your business premises.
- Staff should not deal with any requests for documents, etc. until the responsible person arrives but should not try to obstruct any search.
- The investigators should be offered a meeting room pending arrival of the responsible person.

The Responsible Person should:

- As soon as he or she is aware of the investigation, contact a specialist adviser as discussed above
- Check the personal identification of the Inspectors.
- Check the warrants or orders are appropriate and correct (do they have the correct business address, is there the correct number of accompanying persons, is the date and time correct, what is the scope of the investigation/order, what time periods and documents that are covered?)
- Notes should be made of all files and documents examined by the Inspectors. The Inspectors are only entitled to obtain copies of documents on matters that fall within the scope of the warrant
- If possible copies should be taken of any papers removed by the Inspectors.
- Detailed notes of any questions answered and explanations given should be made.

Members should not provide any false or misleading information to the Investigators, tamper with or destroy documents during an investigation or try to hinder the investigation in any way.
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