

# Transparency

A Statement on the OFT's approach

May 2010

OFT1234

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# 1 EXECUTIVE SUMMARY

1.1 We see many advantages of improving the transparency of our work. We believe that these advantages include better relationships with businesses, their advisers and representatives, and efficiency improvements from better clarity about our processes. We also believe that transparency, particularly around the time it takes us to do our work, is an important driver of delivery by helping to make us even more accountable and focused.

1.2 Over the past few months we have been exploring ways in which we can improve the transparency of our work and the way we engage with those interested in what we do. In particular we have been thinking of ways we can provide better information about:

- the work we do
- what we are doing
- how long our work is likely to take, and
- how we will engage with those directly involved in our work.

1.3 As part of this work, in November 2009, we published specific proposals for improvement in these areas and asked for comments and suggestions. This statement confirms our intention to implement most of those proposals.

1.4 As important as the published consultation and this statement, however, is the dialogue that we had with people interested in our work, and the internal on-going discussions within the OFT, about our culture and attitude towards being more open and transparent. These productive discussions continue.

- 1.5 The commitments set out within this statement, in summary, are that we will:
- consistently provide parties with information at the start of an enforcement action, including OFT investigation team contact details and timescale information
  - regularly update parties on case status and timescales, including, where appropriate, providing draft information requests in advance of issuing them formally and sharing provisional thinking
  - provide better information on our website relating to project and case work (where they are in the public domain)
  - provide summaries of our completed work on our website together with more performance data in our Annual Report, and
  - strive to maintain our values and attitudes which are in line with the principles of good administration.
- 1.6 We have also sought to clarify existing processes as far as possible. For example, we have provided a clear explanation of how the OFT interacts with the media around its announcements.
- 1.7 We ask those who work with us to hold us to account if we fail to meet expectations. We will aim to put things right or as far as possible explain why we cannot meet our commitment.
- 1.8 Although this project has led to significant improvements in certain areas of our work, we recognise that there is still more to be done – the OFT's Transparency Project is on-going. Over the coming months we will consult further on new proposals that build on this statement and we ask for views and suggestions for the next stage of our work.

## **2 INTRODUCTION**

- 2.1 As part of the Transparency Project we asked businesses and individuals, and their advisers, to be honest with us about their experiences in dealing with the OFT. They told us that we do many things well and often they see best practice in the way we do our work. They also told us there was room for improvement in some areas and that we needed to be more consistent about applying best practice across everything we do.
- 2.2 Using this feedback we drew up a list of proposals detailing improvements we could make around transparency and the way we engage with those interested in our work. We consulted on these proposals between July and October 2009. During the consultation period we met with a number of interested organisations to listen to their views. A full breakdown of the responses we received can be found in the Summary of Responses document (OFT1101resp) and individual responses can be found on the OFT website.
- 2.3 Building on the feedback we received, this statement outlines the implementation of some of those proposals and sets out, in particular, what those involved in our work can expect in terms of how we will engage and what information we will provide throughout the life of a case or project.
- 2.4 We ask that those interested in what we do hold us to account where we do not meet our commitments and senior staff at the OFT will respond to complaints or comments about how we have done. This will not alter those processes already in place for handling general complaints about the conduct of companies or traders, general complaints about the OFT or requests made under the Freedom of Information Act 2000.

### **Scope**

- 2.5 These commitments mainly relate to our projects and cases with external outputs, in particular our Competition Act 1998 cases, our consumer

enforcement cases - excluding credit - and our market studies and some policy projects.

- 2.6 Our consumer casework includes a broad spectrum of cases under the Enterprise Act 2002, the Consumer Protection from Unfair Trading Regulations 2008, Unfair Terms in Consumer Contracts Regulations 2008, the Consumer Credit Act 1974 and the Estate Agents Act 1979. The commitments described here however, do not relate to cases where we are taking action under the self funding Consumer Credit Act credit licence regime as we already disclose detailed information relating to this work in other ways, for example through the Consumer Credit Public Register available on our website.
- 2.7 Our merger work is also not covered by this document as we already have clear procedural guidelines in place. We have also recently started a project to produce procedural guidelines for Competition Act investigation.

### **3 OUR COMMITMENT**

- 3.1 This chapter sets out our commitments to those involved and interested in our work in terms of how we will engage and what information we will provide throughout the life of a case or project.
- 3.2 We strongly believe that improved clarity about what we will do and the information we will release during the life of a case or project will bring about better engagement and improved relationships with businesses and consumers, their advisers and representatives. We also believe providing clearer information about our processes, timescales and workloads will make the OFT even more accountable as a public body.
- 3.3 Given the complexities which can arise in our work, particularly complexities which arise in enforcement cases, we may be obliged to depart from the processes we described in this section. If we do so, we will be ready to explain why this was appropriate and necessary.

#### **At the start of consumer and competition enforcement action**

##### **Consistent use of case initiation letters**

- 3.4 We will aim, where appropriate, to issue a case initiation letter to parties subject to the investigation.
- 3.5 The case initiation letter will provide the parties to the investigation with the following information:
- brief details of the conduct that is the subject of the investigation
  - identification of legislation relevant to the investigation
  - the indicative timescale for the investigation – as far as we are able to say at this stage – and factors which might change the timescale, and
  - OFT contacts for the case, specifically the Team Leader, Project Director and Senior Responsible Officer.

- 3.6 There are likely to be some cases where it will not be appropriate to issue a case initiation letter at the start of the case, for example where to do so might prejudice the investigation such as prior to unannounced site visits or witness interviews. We will, however, aim to issue the letter as soon as possible.
- 3.7 Also, on occasion, it may be necessary to limit the information set out in the case initiation letter, for example, in cases where the investigation has been initiated by a whistleblower in a cartel case.
- 3.8 We will consider whether or not we can provide something like a case initiation letter to complainants on a case by case basis. In competition enforcement cases the information it is proper to disclose to complainants will vary enormously depending on the individual case and the information already in the public domain. If we see no reason why a complainant should not have access to the information available at that stage to the party subject to the investigation, then we will provide it. We would expect the complainant to respect the confidentiality of any information provided.
- 3.9 In consumer enforcement cases it will rarely be appropriate to provide a case initiation letter to individuals who have complained about a firm. The OFT does not deal with individual complaints about a firm on behalf of consumers. When we initiate a consumer enforcement case, it is normally as a result of analysing trends in aggregate complaint data. In the cases where it is appropriate to provide information at the start of an investigation (such as in our investigation into Retirement Homes and exit fees),<sup>1</sup> it is generally appropriate that we do that by providing information on our web site.

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<sup>1</sup> [www.offt.gov.uk/OFTwork/consumer-enforcement/consumer-enforcement-current/retirement-homes/](http://www.offt.gov.uk/OFTwork/consumer-enforcement/consumer-enforcement-current/retirement-homes/)

## **At the start of a market study or Review of Undertakings and Orders**

3.10 When we commence a market study or Review of Undertakings or Orders we will place a summary of the project on our website together with indicative timescale information and the contact details for key project staff.

3.11 Specifically we aim to publish:

- our reasons for starting the work and, if appropriate, the scope of the work
- the date we started the work
- expected dates of key milestones where practicable, and
- OFT contacts for the investigation, specifically the Senior Responsible Officer, the Project Director and the Team Leader.

3.12 This is broadly in line with our current approach.

## **During a case or project**

### **Requesting information**

3.13 Our ability to obtain relevant information and evidence has a direct bearing on the quality of our decision-making and also the timescales for completion of our work. Annexe A sets out our formal information gathering powers.

### **The use of draft formal information requests**

3.14 The provision of formal information requests in draft in appropriate cases can have several benefits. Providing a request in draft allows us to take into account comments on the scope of the information and/or documentation that we have asked for, and also the timeframe that we have specified for responding to the request. Then once a final request is

issued we can be confident in enforcing the deadline – which leads to better project planning and faster cases.

- 3.15 Where it is practical and appropriate to do so, particularly where legal rules do not lay down a different procedure, we will provide formal information requests in draft. The timeframe for comment on the draft will depend on the nature and scope of the request.
- 3.16 The timescale specified in the final request will differ according to the nature and the amount of information that we have requested. It is not possible for us to apply uniform, set timescales for responses to information requests. If a request has been provided in draft, and the timescale for response to the final request discussed, we will only agree to any extension in exceptional circumstances.
- 3.17 Of course, there are times when draft information requests would be inappropriate. Our key consideration in assessing whether or not it would be appropriate to provide an information request in draft is whether or not it would prejudice the investigation to do so or, because the request is for a small amount of information, it would be inefficient to do so.

### **Notice in advance of the issue of information requests**

- 3.18 In appropriate cases, we will seek to give recipients of significant information requests advance notice, so they are able to manage their resources accordingly. For example, significant information requests often take some time to prepare and there may be no reason why the case team should not tell the intended recipient that they are preparing to send an information request.
- 3.19 There will however be instances where it is inappropriate to give advance notice, such as where the request is for a small amount of information, the need for the information was unexpected, or where giving notice would prejudice the investigation.
- 3.20 Where we have not given advance notice we will be ready to explain our reasons for this.

## **Sharing our provisional thinking in competition enforcement cases**

- 3.21 One important aspect of how transparent we are as an organisation, and how we engage with those involved in our work, is the extent to which we can and do share our provisional thinking about our work, either with those immediately involved in the project or by publishing information on our website for wider review.
- 3.22 In our consultation we asked for views about sharing our provisional thinking in competition enforcement cases. Feedback from respondents was mixed with some welcoming the sharing of provisional thinking whilst others felt such disclosures did not sit well within our procedural rules. We acknowledge the difficulties in this area but we will keep an open mind about when and how we can share our provisional thinking and case teams will consider any requests from parties or proposals from parties.
- 3.23 When undertaking projects such as market studies it has become our practice where possible to share research and preliminary findings. We plan to continue this approach.

## **Keeping you informed about the timing of our work**

- 3.24 Where there is a summary of an enforcement case or project published on our website, we will, whenever it is possible to do so, publish expected timescale indications including, where possible, key milestones. When we deviate from our expected timescale we will, as far as possible, provide a reason why.
- 3.25 We will aim to refine timescale information as we near major announcements. Initial timescales will measure likely outputs by quarter and more definitive indications of timing will be given, where possible, as the case or project progresses, moving towards updates in terms of months and weeks. Our approach directly prior to an announcement is described below.

3.26 Where it is not in the public domain that a case is being investigated we will share our expected timescales, in the form described above, with those directly affected by the case, namely parties, their legal advisors and, where appropriate, complainants.

### **Advance notice of announcements**

3.27 In giving advance notice of public announcements on a case or project, for example, the issue of a Statement of Objections in a Competition Act investigation or the issue of launch documents in a market study, our objective is, as far as possible, to give the directly affected parties fair and sufficient notice, as well as sight of announcement documents, to enable them to prepare their response.

3.28 Balanced against this, we need to ensure the orderly announcement of information. This includes complying with our responsibilities concerning the control and release of market-sensitive information. The OFT has agreed where appropriate to apply the principles set out in the FSA's document 'Guidelines for the control and release of price sensitive information by Industry Regulators'.

3.29 Unfortunately, in the past, we have frequently experienced information which we have shared with parties in confidence being leaked to the media in advance of our announcements. The outcome has been selective and/or misleading reporting in the press. This does not help the proper conduct of our investigations and will continue to be a key factor in when and how we release information.

3.30 In both market-sensitive and non-market-sensitive situations, therefore, we will aim to balance an open approach with the need to ensure the orderly announcement of full information. It is, and will continue to be, our normal practice to issue a press notice when we believe there are benefits in drawing attention to our work.

3.31 The points below are a general guide. It may be the case that the particular complexities of the issue we are dealing with mean that we depart from our standard practice.

## **Making a non-market-sensitive announcement**

- 3.32 If there is no market or other sensitivity about the fact or date of the announcement, we will be open about the date and publish that date on our website, up to several days in advance of the full announcement. We will tell parties in advance of placing any statement about the substance of the matter on our website. The exact notice given will depend on the circumstances of the case or project concerned.
- 3.33 As a general rule, in non-market-sensitive announcements, we aim to give parties advance sight of the content of the OFT's announcement, in confidence, unless there is a compelling reason not to do so.
- 3.34 In cases where the text of a press release is a relevant part of discussions, parties may receive more notice but it is not OFT standard practice to discuss the text of press releases with parties in advance of issue.

## **Making a market-sensitive announcement**

- 3.35 Where appropriate we will apply the FSA's 'Guidelines for the control and release of price sensitive information by Industry Regulators' (see paragraph 3.28 above).
- 3.36 If there is no market or other sensitivity about the date of the announcement, as opposed to the content of the announcement, we will be open about the date and publish that date on our website as for non-sensitive announcements, up to several days in advance of the full announcement. We will also inform media organisations. We will tell parties in advance of informing the media or placing any statement about the substance of the matter on our website.
- 3.37 Often, however, both the date and content of the announcement may be market-sensitive, for example, when nothing about an enforcement action has previously been announced. In these situations we will notify parties after the financial markets have closed including, where appropriate, financial markets in other countries.

3.38 Where we judge an announcement to be market-sensitive we will:

- make the announcement at 7am on the date of issue, except in mergers cases and in rare circumstances, for example as the result of information leaking to the media or where legal proceedings are concerned
- when the announcement date is not already in the public domain, we will advise those directly affected the evening before issue once relevant financial markets have closed - this might be out of hours, in which event we will have requested out of hours contact details in advance
- typically, including where there are multiple parties, we will provide those directly affected with an embargoed text of the press release and associated public documents one hour in advance, usually at 6am on the date of issue
- where there is only one or limited numbers of parties involved, we may be able to provide them with an embargoed text of the press release and associated public documents solely for their information the night before the announcement once markets have closed including, where appropriate, financial markets in other countries, but this will depend on the individual circumstances of the case.

### **Dealing with the media when making an announcement**

3.39 When making a market-sensitive announcement we never discuss the content with the media beforehand. Where appropriate, we will as above confirm the fact that an announcement will take place on a certain day, at a certain time, and in some cases we will agree in advance to interview requests for broadcast media.

3.40 Where an OFT statement is not known about in advance by the media due to market sensitivity issues, and where giving broadcast interviews is appropriate, it will continue to be the OFT's practice to have spokespeople available at its offices or at the Millbank TV studios in the

expectation of receiving interview requests shortly after an announcement.

- 3.41 Once a market-sensitive announcement has been made, we will respond to media enquiries and where appropriate make spokespeople available for broadcast and print interviews.
- 3.42 For non market-sensitive announcements where appropriate, for example for market studies where interested industry representatives and consumer groups are routinely consulted and briefed in advance on the outcome, we may sometimes brief the media in advance of the announcement going public under an agreed embargo. On occasion this may involve spokespeople giving interviews to both broadcast and print media in advance under embargo.

### **Creating a public record of our work**

- 3.43 In our consultation we proposed that we should publish case opening summaries at an earlier stage than we do at present. This was by far our most contentious proposal and whilst we continue to believe that there are significant advantages to increasing our transparency in this way, we acknowledge the representations made to us about the concerns this proposal raises.
- 3.44 We will therefore not routinely publish case opening summaries. We do not, however, rule out publishing information about an enforcement case at an earlier stage in the investigation than is our current practice where it seems to us that there are good reasons to do so. This will be carefully considered on a case by case basis. Recent examples of where we have successfully used this approach are in our retirement homes exit fees investigation and our investigation into firms buying gold by post where releasing information about our work brought more evidence to us and allowed consumers to contact us directly with views and representations.
- 3.45 There may be other circumstances where it is appropriate to make information available on our website earlier than we do now - in

particular there have been cases, such as the complaint about Manchester United season tickets, where a great deal of information has been released by the complainant and the subject of the investigation. In these circumstances it is simply artificial for the OFT to maintain a position that it cannot release information. In addition, it has on occasion also been necessary to confirm reactively to the media some facts about an investigation after parties themselves confirmed their involvement in a competition investigation. In cases such as these we will also place our media statement on our website. We will not actively publicise the statement but it will serve as a public record of information we have already provided to the media.

3.46 In general, we will continue with our current approach of announcing when we issue either a Statement of Objections (under the Competition Act) or issue court proceedings (under consumer enforcement legislation). To create an open, searchable public record of our work each press notice will be accompanied by a summary of the case on our website detailing:

- a summary of the alleged conduct or issue being investigated, for example, 'abuse of a dominant position' or a reference to a contract term which we believe may be unfair
- the market sector or products and services relevant to this conduct or issue
- the identity of the parties under investigation
- the date the OFT opened its case
- expected dates of key milestones where practicable, and
- OFT contacts for the investigation.

3.47 As a general rule, teams running a case or project should be available to respond to queries about timing, progress or next steps on the work in question.

- 3.48 Queries should be directed to the relevant Team Leader or Project Director or contact specified on the website. Where a dedicated team email address is provided, it is helpful for correspondence always to be copied to this address which ensures that if individuals are out of the office, other team members pick up the message. Where the fact of an investigation or project is not in the public domain those directly involved will be provided with the relevant contact details directly. Questions from the media should continue to be directed to the OFT Press Office – details are on our web site.

### **At the end of a case or project**

- 3.49 We will publish the outcome of the work on completion. As a general rule this will take the form of a press notice linking to the relevant pages of our website. If we decide to end a piece of work on the basis of a prioritisation decision, rather than continue to a conclusion, we will explain why we have done so.

### **Market studies and Reviews of Undertakings and Orders**

- 3.50 We will continue our practice of issuing a press notice and publishing full details of our findings on our website.

### **Competition Act investigations**

- 3.51 We will continue to place information about Competition Act cases in the public domain when we close them – either because we issue an infringement, or non-infringement decision. This will usually involve us issuing a press notice as well as publishing a page on our website which describes the case.
- 3.52 There may be situations where we close cases following a prioritisation decision. In such instances we will explain that this is the case.

### **Consumer enforcement**

- 3.53 We will usually issue a press notice to publicise a consumer enforcement outcome together with a corresponding page on our website which

describes the case. We will publish case closure summaries for our consumer enforcement work where:

- an outcome has been achieved, for example a court ruling
- we have successfully negotiated undertakings with a company or trader
- our original concerns turn out to be unfounded.

3.54 There may be situations where we close cases following a prioritisation decision. In such instances we will explain that this is the case.

### **Providing information on our performance**

3.55 From 2009/2010 we will aim to provide consistent information in our Annual Report for all closed consumer and competition enforcement cases, market studies and Reviews of Undertakings and Orders. This information will include:

- the date the project or case was opened
- a summary of the findings and/or recommendations, and
- the date the project or case was closed and the time taken to complete it - this will also note any initial indicative timescale for the project or case and an outline of any reasons for extension beyond this initial indicative timescale.

3.56 We will also provide information in our Annual Report on our ongoing work where the fact of the investigation is in the public domain.

## **4 THE VALUES AND ATTITUDES WE WILL ADOPT IN CARRYING OUT OUR WORK**

4.1 The OFT is a publicly accountable body with a range of responsibilities, duties and obligations under a number of different statutes. To frame how others can expect to be treated during our day to day activities we have had regard to the Parliamentary Ombudsman's Principles of Good Administration.<sup>2</sup> This is a way of expressing our commitment to treating people well during the course of our work.

4.2 The role of the Parliamentary Ombudsman is to carry out independent investigations into complaints about UK government departments and their agencies – and help improve public services as a result. The Ombudsman's Principles of Good Administration are:

- getting it right
- being customer-focused
- being open and accountable
- acting fairly and proportionately
- putting things right, and
- seeking continuous improvement.

4.3 As part of the implementation of our transparency commitments across the OFT we will seek to reinforce these values in our internal training and guidance.

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<sup>2</sup> More information on the Parliamentary Ombudsman's Principles of Good Administration can be found here:

[www.ombudsman.org.uk/improving\\_services/principles/good\\_administration/index.html](http://www.ombudsman.org.uk/improving_services/principles/good_administration/index.html)

## 5 HOLDING US TO ACCOUNT

- 5.1 In order that we meet the commitments listed in this document, we ask that our stakeholders hold us to account where we do not meet our promises.
- 5.2 Should anyone be dissatisfied with our transparency in relation to a particular project or case or indeed have any complaint relating to a specific piece of work, they may complain directly to the relevant Senior Responsible Officer who will aim to either:
- put things right, or
  - give an explanation, as far as possible, why greater transparency was not possible.
- 5.3 This will not alter those processes already in place for submitting general complaints about the OFT or requests/applications for internal reviews made under the Freedom of Information Act. Complaints relating to such matters should continue to be made via these existing routes. More details on these processes can be found on our website.<sup>3</sup>
- 5.4 Similarly, the process for submitting complaints about the conduct of companies or traders remains unaffected. We encourage complainants to submit their complaints to the OFT's Enquiries and Reporting Centre (ERC). Further details of how to make such a complaint can be found on our website.<sup>4</sup> Please be aware that the OFT cannot provide advice or

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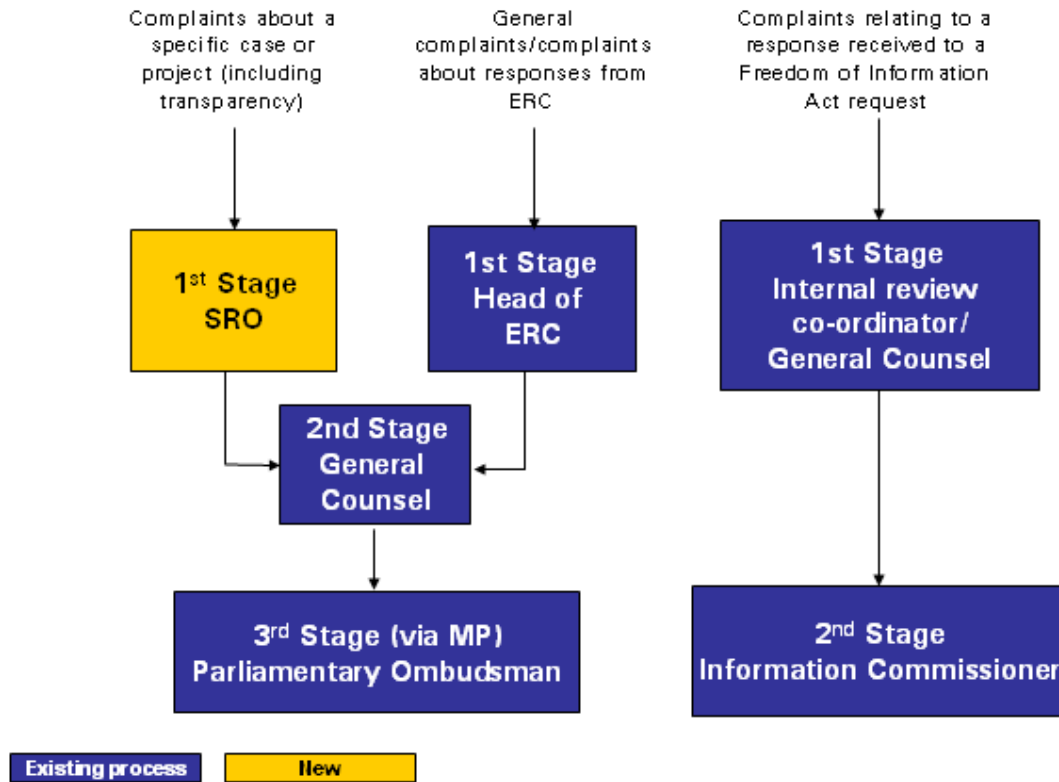
<sup>3</sup> If you wish to complain about the OFT, general complaint procedure information can be found here: [www.of.gov.uk/about-the-oft/of-structure/governance/complaint](http://www.of.gov.uk/about-the-oft/of-structure/governance/complaint). Information about how to make a request or an application for an internal review under the Freedom of Information Act can be found here: [www.of.gov.uk/about-the-oft/accessing-information/freedom/](http://www.of.gov.uk/about-the-oft/accessing-information/freedom/).

<sup>4</sup> If you wish to make a complaint about the conduct of a company or trader, information on how to do so can be found here: [www.of.gov.uk/contactus](http://www.of.gov.uk/contactus) Some useful FAQs can be found here: [www.of.gov.uk/about-the-oft/faqs/](http://www.of.gov.uk/about-the-oft/faqs/).

assistance to individual consumers or traders. Those wishing to seek advice should contact Consumer Direct.<sup>5</sup>

5.5 Figure One below shows how the complaint-handling processes work alongside each other.

**Figure One: Summary of complaint-handling processes relating to the OFT and its work**



<sup>5</sup> Consumer advice can be found at [www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk) or call 08454 04 05 06.

## 6 NEXT STEPS

- 6.1 We aim to implement the commitments contained within this statement by 1 July 2010.
- 6.2 When we started this project we realised this statement would represent our first steps towards making the OFT more transparent. We acknowledge there is still more we can do to improve transparency in other aspects of our work.
- 6.3 In the next phase of this project, we plan to explore some of the areas which have been raised, but not addressed, during this project so far. We will shortly be publishing a brief scoping paper setting out these areas and asking for views and suggestions.
- 6.4 We would value your thoughts and ideas on what other aspects of our work could be improved by increased transparency. Please email your suggestions to Jessica Nardin at [jessica.nardin@oft.gsi.gov.uk](mailto:jessica.nardin@oft.gsi.gov.uk).
- 6.5 Where we are carrying out work outside the scope of this project which has a positive impact on our transparency we will use the dedicated transparency page<sup>6</sup> on our website to highlight it. We will also use this page to keep you informed about the next phase of the transparency project.

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<sup>6</sup> [www.oft.gov.uk/about/transparency/](http://www.oft.gov.uk/about/transparency/)

# ANNEXE

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## **A OFT'S FORMAL INFORMATION-GATHERING POWERS**

A.1 Sections 26 to 28A of the Competition Act 1998 provide the OFT with powers to investigate possible infringements of Articles 101 and 102 of the Treaty on the Functioning of the European Union and the Chapter I and Chapter II prohibitions on its own behalf. Under these powers the OFT:

- may require the production of specified documents or specified information
- may enter business premises without a warrant
- may enter and search business and/or domestic premises with a warrant, and
- has powers to assist the Commission and national competition authorities of EU Member States in their investigations.

A.2 Market studies are conducted under the OFT's general functions in sections 5, 6 and 7 of the Enterprise Act 2002, which include obtaining information and conducting research. In circumstances where the OFT believes it has the power to make a market investigation reference, that is, where the threshold in section 131 of the Enterprise Act 2002 is met, the OFT may:

- require persons to attend and give evidence, and
- require persons to produce documents or provide information.

A.3 Sections 31 and 99 of the Enterprise Act 2002 provide the OFT with powers to obtain information in respect of mergers; sections 34B and 46C of the Enterprise Act 2002 provide the OFT with information-gathering powers where cases are referred by the European Commission under the EU Merger Regulation.

- A.4 Section 224 of the Enterprise Act 2002 provides the OFT with the power to require any person to provide it with such information as it specifies.
- A.5 Sections 227A – 227F of the Enterprise Act 2002 provide the OFT (and certain other enforcers) with power in relation to any function it has under the Consumer Protection Cooperation Regulation to enter into premises by notice and without a warrant to investigate infringements of specified EU law or to investigate whether a person is complying with an enforcement measure; observe the carrying on of a business; inspect goods or documents on the premises; require any person on premises to produce goods or documents within a specified period; seize goods or documents to carry out tests on them on the premises or remove them to test elsewhere; seize, remove and retain goods or documents which it reasonably suspects will be required in evidence; enter premises with a warrant and require any person to do anything that can be required under section 227A of the Enterprise Act 2002; break open containers; and take reasonable steps to preserve and prevent interference with goods or documents.
- A.6 Section 162 of the Consumer Credit Act 1974 provides the OFT and other enforcers with the power to inspect any goods or enter any premises (other than premises used as a dwelling) and to seize and detain any goods or documents.
- A.7 Section 164 of the Consumer Credit Act 1974 provides the OFT with power to make test purchases, procure the provision of services or facilities or to enter into such agreements or other transactions as are expedient in determining whether any provisions of the Consumer Credit Act 1974 are being complied with.
- A.8 Regulations 20 - 22 of the Consumer Protection from Unfair Trading Regulations 2008 provide the OFT with the power to make test purchases and enter into agreements to secure the provision of a product for the purposes of determining compliance.

- A.9 Regulation 21 of the Consumer Protection from Unfair Trading Regulations 2008 provides the OFT with power to enter and inspect premises without a warrant; require traders to produce any document and take copies of or entries in such document; seize and detain goods where non-compliance is suspected; seize and detain goods or documents which may be required for proceedings under the Consumer Protection from Unfair Trading Regulations 2008; and enter premises with a warrant where permission to enter has been refused or is reasonably believed will be refused.
- A.10 Regulations 21 - 24 of the Business Protection from Misleading Marketing Regulations 2008 provide the OFT with power to require in writing any person to provide it with information specified or prescribed in the notice; make test purchases or enter into agreements for a product; inspect any goods or enter any premises (except premises used only as a dwelling); require production of and take copies of documents relating to a trader's business, craft or profession; seize and detain any goods; seize and detain any goods or documents required for proceedings under the Consumer Protection from Unfair Trading Regulations 2008; require any person to break open any containers or open any vending machines or do so itself; and enter premises with a warrant where admission is refused or the OFT reasonably believes will be refused.
- A.11 Section 11 of the Estate Agents Act 1979 provides the OFT with powers to enter premises (other than premises used as a dwelling only); require any person carrying on or employed in connection with a business to produce any books or documents relating to the business; produce information in legible form; seize and detain books or documents; and require persons having authority to do so to break open any container or do so itself if that person does not comply.