RETAIL ENERGY CODE

ENERGY THEFT TRAINING

MODULE FIVE –
ENERGY THEFT WARRANTS

WARRANTS OF ENTRY

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Under the **Electricity Act 1989** Schedule 6 and the **Gas Act 1986** Schedule 2B, Suppliers and Network Operators have a **legal right to enter premises** they supply/maintain. These rights can be used for purposes such as inspecting/replacing gas fittings or electricity meters. **No suspicion of Energy Theft or safety risk is required for entry.**



If an occupier refuses entry or ignores requests, the energy company can apply for a **warrant of entry** under the Rights of Entry (Gas and Electricity Boards) Act 1954. A warrant of entry allows entry without consent and by using force if necessary.



Normally, the occupier must be notified of the request for access and advised that a warrant will be sought if access is not granted, with the option to attend a hearing. However, **notice is not required if giving notice would undermine the purpose of entry** for example, where there is suspected Energy Theft with sufficient evidence.



Warrants are valid for 28 days or until the purpose of entry is fulfilled (whichever is the earlier). These entry rights apply to Suppliers, Network Operators, and any authorised person working on their behalf. If someone intentionally obstructs a person executing a lawful entry under warrant, they are committing a criminal offence and may be fined if convicted.

BEFORE APPLYING FOR A WARRANT OF ENTRY

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Many Energy Theft Site Visit Investigations won't require a warrant of entry.
Consumers may allow access voluntarily during an initial unannounced visit.



If suspicion of theft exists but evidence is weak – or if the current occupier may have inherited the issue – **it may be appropriate to notify a consumer of a planned visit**.



How the consumer behaves during a first visit affects next steps.

- If they are simply not home, this is treated differently than;
- If they refuse access, evade, or hide – such behaviours can increase suspicion, especially where recorded consumption is inconsistent with observed usage.



All visits, attempts, refusals, observations, and documents left **must be fully recorded**, as they may form part of a warrant application.

WITH OR WITHOUT NOTICE WARRANTS

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A warrant can be requested **with or without notice**. A without notice warrant authorises access to the property without giving the consumer prior information about a visit or the application for a warrant.

To secure a **without notice warrant**, evidence must be provided demonstrating:



Reasonable grounds to suspect Energy Theft (e.g. evidence of tamper/bypass, illegal connections, abnormal consumption, smart meter alerts, or investigator observations)



That advance warning could allow the occupier to remove or conceal tampering, destroy evidence, or create safety risks.

If a **with notice warrant** is more appropriate, investigators must demonstrate:



Access was requested.

A visit with reasonable notice took place but access was refused or ignored.



The consumer was warned that a warrant may be sought and given a chance to respond or request a hearing.

A typical "**with notice**" process may involve:

1. **1st visit**: Cold call; no-access letter requesting contact.
2. **2nd visit**: Cold call; statutory notice letter with ≥7 days' notice, offering alternative appointments and advising a warrant may follow.
3. **3rd visit**: Notified visit; if no access, leave a notice explaining intent to apply for a warrant, the consumer's rights, hearing options, and how to arrange access to avoid warrant action.

Policies may vary (e.g. method of delivering letters, number of visits, phone/text follow-ups), but they must satisfy the relevant court's requirements and demonstrate **proportionate** attempts to gain access, and be applied on **a case-by-case basis considering any vulnerabilities**.

OBTAINING A WARRANT OF ENTRY

Most warrant applications are digital with courts issuing electronic warrants as PDFs or files to convert into PDFs. These warrants must clearly state:

1. The type of warrant
2. The specific premises authorised for entry
3. The issuing magistrate's name
4. A statement confirming the warrant has been granted

Each jurisdiction has different submission formats and requirements. Applications must follow the rules for the location of the premises. Read more about requirements for England and Wales and Scotland.

Uncontested applications don't require physical attendance. Application files and supporting documents are submitted in advance and the applicant usually attends via video or phone, confirming the information and answering any questions under oath.

If a consumer has received notice and **wishes to contest** the warrant:

- In England and Wales: The applicant must arrange a hearing date with the Magistrates' Court
- In Scotland: The application must be withdrawn from the Justice of the Peace Court and resubmitted as a summary application to the Sheriff Court

Fees for applications

- England & Wales: £22 for an uncontested application (as of April 2025)
- Scotland: £14 (higher if contested hearings are required)

Suppliers and Network Parties may submit and manage warrant applications directly, or use specialist service providers, often as part of wider Revenue Protection or Energy Theft Investigation services.

BEFORE EXECUTING WARRANT OF ENTRY

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After a warrant is granted, it **must be executed within 28 days.** No further notice to the consumer is required. A designated warrant officer with written authorisation leads the visit, supported by the appropriate mix of specialists (e.g., locksmith, engineer, investigator, DNO/GT, carpenter, tow truck, electric shutter, alarm specialists, animal or waste specialists). At least two people usually attend, and equipment needs should reflect any issues noted on earlier visits.



If there is risk of **violence, obstruction, weapons, or criminal activity, police support should be arranged** in advance.

All attendees meet away from the property for a pre-execution briefing covering roles, entry procedure, and risk assessment.



Organisations should also consider policies on **body armour and body-worn or audio recording devices**. For debt-related prepayment meter warrants, audio recording is mandatory unless the consumer objects; for Energy Theft warrants it is optional but often beneficial.

WARRANT OF ENTRY EXECUTION

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When executing a warrant of entry, the warrant officer must **identify** themselves, **explain the purpose** of the warrant, and **request access** - while making clear they are legally allowed to force entry if necessary.



If access is refused, **reasonable and proportionate force** may be used, but the property **must be left as secure as found before forcing entry**, and any **damage must be repaired** or compensated.



Aggression or physical obstruction may require police assistance. Obstructing an energy company employee executing a lawful warrant is a summary criminal offence, though police can only force entry themselves if separate lawful powers apply (e.g., preventing imminent threat to life, injury or serious property damage under the Police and Criminal Evidence Act Section 17). The police created a guide to support those who execute and assist entry with warrants.



Once access is gained, the Energy Site Visit Investigation proceeds. A copy of the warrant does not have to be given automatically, but correspondence should state that access was gained under a warrant, and a copy should be provided if the occupier requests one and this can take place after the warrant execution.



THIRD PARTY WARRANTS

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A warrant to access a third-party property may be required if access is necessary - **not just convenient** - to complete an investigation. These warrants are typically obtained and executed at the same time as the warrant for the main premises.

You must first request access and give notice - unless doing so would undermine the investigation (e.g., evidence the neighbour is also involved, or both premises are occupied by the same person).

A separate warrant is required for each property. The purpose of a third-party warrant must be strictly limited to what is reasonably needed for the investigation (e.g., reaching a main fuse, not inspecting or replacing a meter).

Examples of when a third-party warrant may be needed:

Where the **main fuse** is located in a neighbouring property
Where the **meter** is located in a neighbouring property
Where **access** to the suspect premises can only be achieved through another property

DISPELLING WARRANT MYTHS

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Members of the public often misunderstand what energy warrants allow. Key myths include

A physical signature is required

False. Digital warrants are valid if they state the purpose, specific address, issuing magistrate, and statement that warrant is granted.

No safety concern means no warrant can be used

False. Warrants support statutory entry rights under the Electricity Act 1989 and Gas Act 1986, including meter inspection, removal, and replacement.

You must give notice of summons before getting a warrant

Not always. Debt-related warrants require notice, but Energy Theft warrants do not if notice would defeat the purpose (e.g. risk of evidence loss).

You need proof of theft before a warrant

False. Energy companies have the right of entry for various reasons, and to gain entry without notice they only need reasonable grounds to suspect theft, not proof.

It’s a civil matter; police shouldn't be involved

False. Energy Theft and obstruction of a warrant are criminal offences.

You can only enter if someone is present

False. Entry can occur without anyone present, provided the property is left secure.

Police must attend forced entry

False. Police only attend for specific reasons e.g. criminal offences, violence.

You must give me a copy of the warrant before entering

False. No legal requirement to provide a copy, although normally shown if requested and may be provided afterwards

You can’t force entry - it's trespass

False. With a valid warrant, forced entry is lawful so long as force is reasonable, the property is secured and any damage remedied.

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KNOWLEDGE CHECK

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Congratulations, you have completed Module 5!

Please complete the Knowledge Check to ensure you have understood the key messages from this module.

