



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 2

PUBLIC ORDER ETC.

CHAPTER 3

OTHER PROVISIONS

Control of sex offenders

80 Police powers of entry to and examination of relevant offender's home address

After section 96 of the 2003 Act there is inserted—

“96A Entry and examination of home address

Police powers of entry to and examination of relevant offender's home address

- (1) A sheriff may, if satisfied on the application of a senior police officer of the relevant force as to the matters mentioned in subsection (2), grant a warrant authorising any constable of the relevant force to enter premises in the sheriffdom (if necessary using reasonable force) and to examine and search them, and the things in them, for the purpose mentioned in subsection (3).
- (2) Those matters are—
 - (a) that the premises are either—
 - (i) premises whose address has been notified by a relevant offender as his home address in his most recent notification of a home address under this Part; or
 - (ii) premises whose address has been notified by a relevant offender as the address of any other premises at which he regularly resides or stays, in his most recent notification under

Changes to legislation: *Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 80 is up to date with all changes known to be in force on or before 16 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- section 83(1) or 85(1) or in any notification under section 84(1) given by him since that notification;
- (b) that the offender is not one to whom subsection (4) applies;
 - (c) that it would assist the carrying out of the purpose mentioned in subsection (3), for a constable of the relevant force to examine and search the premises and the things in them; and
 - (d) that on more than one occasion, a constable of the relevant force has attempted to examine and search the premises and the things in them for the purpose mentioned in subsection (3) and has been unable (whether by not being able to search and examine the premises and the things in them, or by not being able to obtain entry to the premises) to do so.
- (3) That purpose is assessing the risk of the offender committing a sexual offence.
- (4) This subsection applies to the relevant offender if he is—
- (a) remanded in or committed to custody by an order of a court;
 - (b) serving a sentence of imprisonment or a term of service detention;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (5) A sheriff is to determine an application for a warrant under subsection (1) without hearing from the relevant offender or any other person who has an interest in the premises.
- (6) A warrant under subsection (1) does not confer power to seize anything in the premises to which it relates.
- (7) A warrant under subsection (1) must be executed at a reasonable hour.
- (8) A warrant under subsection (1) continues in force until the expiry of the period of one month beginning with the date of the warrant's grant.
- (9) A warrant under subsection (1) authorises entry on one occasion only.
- (10) This section does not prejudice any other power of entry, examination, search or seizure.
- (11) In this section—
- “the relevant force” means the police force maintained for the area in which the premises are situated;
 - “senior police officer” means a constable of the rank of superintendent or above; and
 - “sexual offence” means—
 - (a) an offence within any of paragraphs 36 to 59C of Schedule 3; or
 - (b) any other offence in circumstances in which it would be likely that a determination such as is mentioned in paragraph 60 of that Schedule would be made in relation to the offence.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)