

SCHEDULES

SCHEDULE 2

Section 54

EXECUTION OF SEARCH AND SEIZURE WARRANTS

Persons who may execute warrant

- 1 (1) A search and seizure warrant may be executed by any police or customs officer.
- (2) A search and seizure warrant may authorise persons to accompany any police or customs officer who is executing it.
- (3) A person authorised under sub-paragraph (2) has the same powers as the police or customs officer whom he or she accompanies in respect of—
 - (a) the execution of the warrant;
 - (b) the seizure of anything to which the warrant relates.

But the person may exercise those powers only in the company, and under the supervision, of a police or customs officer.

Warrant to be executed within 3 months

- 2 Entry and search under a search and seizure warrant must be within 3 months from the date of its issue.

All-premises warrants

- 3 In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a senior officer has authorised them to be entered.

Search of premises more than once

- 4 Premises may be entered or searched for the second or any subsequent time under a search and seizure warrant authorising multiple entries only if a senior officer has authorised that entry to the premises.

Time of search

- 5 Entry and search under a search and seizure warrant must be at a reasonable hour unless it appears to the police or customs officer executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

Evidence of authority etc

- 6 (1) Where the occupier of premises to be entered and searched under a search and seizure warrant is present at the time when a police or customs officer seeks to execute the warrant, the police or customs officer—

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- (a) must identify himself or herself to the occupier and, if not a constable in uniform, must produce to the occupier documentary evidence that he or she is a police or customs officer;
 - (b) must produce the warrant to the occupier;
 - (c) must supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search and seizure warrant is not present at the time when a police or customs officer seeks to execute the warrant—
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;
 - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

Extent of search

- 7 A search under a search and seizure warrant may only be a search to the extent required for the purpose for which the warrant was issued.

Inspection of substances

- 8 Where a police or customs officer has power under section 55 to seize a substance from premises, the officer or a person authorised under paragraph 1(2) may inspect or test the substance on the premises with a view to establishing whether or not it is a substance that is suitable for use as a drug-cutting agent.

Securing premises after entry

- 9 A police or customs officer who enters premises under a search and seizure warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before he or she entered.

Endorsement of warrant

- 10 (1) A police or customs officer executing a search and seizure warrant must make an endorsement on it—
- (a) describing the substances, and any containers, that were seized, or
 - (b) stating that no substances were seized.
- (2) Unless the warrant specifies one set of premises only, there must be a separate endorsement under this paragraph identifying each set of premises entered and searched.

Return and retention of warrant

- 11 (1) A search and seizure warrant must be returned to the appropriate person (see sub-paragraph (2))—
- (a) when the warrant has been executed, or
 - (b) on or before the expiry of the period of 3 months from the date of its issue, if the warrant is—
 - (i) a specific-premises warrant that has not been executed,

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- (ii) an all-premises warrant, or
 - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;
 - (b) in the case of a warrant issued in Scotland, the sheriff clerk for the sheriff court in which the sheriff was sitting when the sheriff issued the warrant;
 - (c) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant.
- (3) The appropriate person must retain a search and seizure warrant returned under subparagraph (1) for 12 months from the date of its return.
- (4) If during that period the occupier of premises to which the search and seizure warrant relates asks to inspect it, he or she must be allowed to do so.

Interpretation etc

- 12 (1) In this Schedule—
- “all-premises warrant” and “specific-premises warrant” have the meaning given in section 52(3);
 - “senior officer” means—
 - (a) a police officer of at least the rank of inspector;
 - (b) a National Crime Agency officer of grade 3 or above.
- (2) An authorisation under paragraph 3 or 4 must be in writing.