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SCHEDULE 3

SUPPLEMENTAL PROVISIONS FOR SECTIONS 1 TO 8

PART II

OFFENCES, DETENTION, ETC

Prosecution of offences

- 4 (1) Proceedings for an offence under section 1, 2 or 3 of this Act shall not be instituted in England or Wales, or (for section 3) in Northern Ireland, except by or with the consent of the Attorney General.
- (2) Sub-paragraph (1) above shall not prevent the issue or execution of a warrant for the arrest of any person in respect of an offence, or the remanding in custody or on bail of any person charged with an offence.

Search warrants

- 5 (1) If a justice of the peace is satisfied that there is reasonable ground for suspecting that—
- (a) evidence of the commission of an offence under section 1 or 3 of this Act, or
 - (b) evidence sufficient to justify the making of an order under section 1 of this Act or an exclusion order, is to be found at any premises or place, he may grant a search warrant authorising entry to the premises or place.
- (2) An application for a warrant under sub-paragraph (1) above shall be made by a member of a police force of a rank not lower than the rank of an inspector, and he shall give his information to the justice on oath.
- (3) The warrant shall authorise the applicant, and any other member of any police force, to enter the premises or place, if necessary by force, and to search the premises or place and every person found therein and to seize anything found on the premises or place, or on any such person, which any member of a police force acting under the warrant has reasonable grounds for suspecting to be evidence falling within sub-paragraph (1) above.
- (4) If a member of a police force of a rank not lower than the rank of superintendent has reasonable grounds for believing that the case is one of great emergency and that in the interests of the State immediate action is necessary, he may by a written order signed by him give to any member of a police force the authority which may be given by a search warrant under this paragraph.
- (5) Where any authority is so given, particulars of the case shall be notified as soon as may be to the Secretary of State.
- (6) No woman shall, in pursuance of a warrant or order given under this paragraph, be searched except by a woman.
- (7) In the application of this paragraph to Scotland, for any reference to a justice of the peace there shall be substituted a reference to a sheriff or a magistrate or justice of the peace ; and for any reference to information on oath there shall be substituted a reference to evidence on oath.

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Detention: supplemental provisions

- 6 (1) A person may be detained—
- (a) in right of an arrest under section 7 of this Act, or
 - (b) under any provision contained in or made under section 8 of this Act, or Part I of this Schedule,
- in such place as the Secretary of State may from time to time direct (when not detained in accordance with an order under section 8 of this Act on board a ship or aircraft).
- (2) A person shall be deemed to be in legal custody at any time when he is so detained.
- (3) Where a person is so detained, any examining officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

Powers of search without warrant

- 7 (1) In any circumstances in which a constable has power under section 7 of this Act to arrest a person, he may also, for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest, stop that person, and search him.
- (2) Where a constable has arrested a person under the said section, for any reason other than for the commission of a criminal offence, he, or any other constable, may search him for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest.
- (3) No woman shall in pursuance of this paragraph be searched except by a woman.

Evidence in proceedings

- 8 (1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of any provision contained in or made under this Act and to be signed by him or on his behalf shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or given by him.
- (2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by the Secretary of State.

Application to Northern Ireland

- 9 (1) This Part of this Schedule shall extend to Northern Ireland so far as it relates to an offence under section 3 of this Act in respect of an exclusion order which prohibits a person from being in, or entering, the United Kingdom (and not only Great Britain).
- (2) The Secretary of State may by order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament make such adaptations of this Part of this Schedule as appear to him expedient for the purpose of its application to Northern Ireland in accordance with this paragraph.