

SCHEDULES

SCHEDULE 1

SPECIAL PROCEDURE

Issue of warrants by circuit judge

- 12 If on an application made by a constable a circuit judge—
- (a) is satisfied—
 - (i) that either set of access conditions is fulfilled; and
 - (ii) that any of the further conditions set out in paragraph 14 below is also fulfilled ; or
 - (b) is satisfied—
 - (i) that the second set of access conditions is fulfilled; and
 - (ii) that an order under paragraph 4 above relating to the material has not been complied with,
- he may issue a warrant authorising a constable to enter and search the premises.
- 13 A constable may seize and retain anything for which a search has been authorised under paragraph 12 above.
- 14 The further conditions mentioned in paragraph 12(a)(ii) above are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises to which the application relates ;
 - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material;
 - (c) that the material contains information which—
 - (i) is subject to a restriction or obligation such as is mentioned in section 11(2)(b) above ; and
 - (ii) is likely to be disclosed in breach of it if a warrant is not issued;
 - (d) that service of notice of an application for an order under paragraph 4 above may seriously prejudice the investigation.
- 15 (1) If a person fails to comply with an order under paragraph 4 above, a circuit judge may deal with him as if he had committed a contempt of the Crown Court.
- (2) Any enactment relating to contempt of the Crown Court shall have effect in relation to such a failure as if it were such a contempt.