Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART II E+W

POWERS OF ENTRY, SEARCH AND SEIZURE

Search warrants

8 Power of justice of the peace to authorise entry and search of premises. E+W

(1) If on an application made by a constable a justice of the peace is satisfied that there are reasonable grounds for believing—

(a) that **[**[F1]an indictable offence**]** has been committed; and

(b) that there is material on premises **[**[F2]mentioned in subsection (1A) below**]** which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence; and

(c) that the material is likely to be relevant evidence; and

(d) that it does not consist of or include items subject to legal privilege, excluded material or special procedure material; and

(e) that any of the conditions specified in subsection (3) below applies,

he may issue a warrant authorising a constable to enter and search the premises **[**[F3]in relation to each set of premises specified in the application**]** .

[[F4](1A) The premises referred to in subsection (1)(b) above are—

(a) one or more sets of premises specified in the application (in which case the application is for a "specific premises warrant"); or

(b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an "all premises warrant").

(1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

(a) that because of the particulars of the offence referred to in paragraph (a) of subsection (1) above, there are reasonable grounds for believing that it is

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necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in paragraph (b) of that subsection; and

(b) that it is not reasonably practicable to specify in the application all the premises which he occupies or controls and which might need to be searched.**]**

[[F5](1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which he issues the warrant.

(1D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.**]**

(2) A constable may seize and retain anything for which a search has been authorised under subsection (1) above.

(3) The conditions mentioned in subsection (1)(e) above are—

(a) that it is not practicable to communicate with any person entitled to grant entry to the premises;

(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 evidence;

(c) that entry to the premises will not be granted unless a warrant is produced;

(d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

(4) In this Act "relevant evidence", in relation to an offence, means anything that would be admissible in evidence at a trial for the offence.

(5) The power to issue a warrant conferred by this section is in addition to any such power otherwise conferred.

[[F6](6) This section applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to **[**[F1]an indictable offence**]**.**]**

[[F7](7) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to a warrant issued on the application of an officer of Revenue and Customs under this section by virtue of section 114 below.**]**

Textual Amendments

F1 Words in s. 8 substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 Pt. 3 para. 43(3)**; S.I. 2005/3495, **art. 2(1)(m)**

F2 Words in s. 8(1)(b) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 113(3)(a)**, 178; S.I. 2005/3495, **art. 2(1)(n)**

F3 Words in s. 8(1)(e) added (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 113(3)(b)**, 178; S.I. 2005/3495, **art. 2(1)(n)**

F4 S. 8(1A)(1B) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 113(4)**, 178; S.I. 2005/3495, **art. 2(1)(n)**

F5 S. 8(1C)(1D) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 114(2)**, 178; S.I. 2005/3495, **art. 2(1)(n)**

F6 S. 8(6) inserted (14.2.2000) by 1999 c. 33. s. 169(1), Sch. 14 para. 80(2); S.I. 2000/168, art. 2, **Sch.**

F7 S. 8(7) inserted (19.7.2007) by Finance Act 2007 (c. 11), **s. 86**

Modifications etc. (not altering text)

C1 Ss. 8, 9, 15, 16, 17(1)(*b*(2) (4), 18–20, 21, 22(1)–(4), 28, 29, 30(1)–(4)(*a*)(5)–(11), 31, 32(1)–(9), 34(1)–(5), 35, 36, 37, 39, 40–44, 50, 51(*d*), 52, 54, 55, 64(1)–(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3–11, Schs. 1, **2**

C2 S. 8 extended (10.6.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **s. 7(1)**; S.I. 1991/1072, art. 2, **Sch. Pt. I**
S. 8 amended (1.10.1996) by 1996 c. 49, **s. 7(3)(a)(4)**; S.I. 1996/2053, art. 2, **Sch. Pt.III**
S. 8 extended (1.10.1997) by 1997 c. 43, ss. 18(3), 41, **Sch. 1 para. 10(4)**; S.I. 1997/2200, **art. 2(g)** (with art. 5)
S. 8 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 16(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

C3 S. 8 applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)

C4 S. 8 applied (2.9.2014) by The Control of Explosives Precursors Regulations 2014 (S.I. 2014/1942), regs. 1(1), **14**

C5 S. 8 applied by 1972 c. 66, s. 9A (as inserted (20.4.2015 for specified purposes, 26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 21 para. 12**; S.I. 2015/994, arts. 5, 6(p))

C6 S. 8 applied (with modifications) (4.11.2015) by The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015 (S.I. 2015/1783), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)

C7 S. 8 applied (with modifications) (1.4.2018) by The Welsh Revenue Authority (Powers to Investigate Criminal Offences) Regulations 2018 (S.I. 2018/400), regs. 1(2), 3(1)(3), **Sch.** (with regs. 4-8)

C8 S. 8(1)-(6) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)

C9 S. 8(1)-(5) applied (with modifications) (30.4.2017) by The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017 (S.I. 2017/520), regs. 1, 2, 3(d), **Sch.**

C10 S. 8(2) modified (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 84 (with s. 57(3)); S.I. 2003/708, **art. 2(a)(c)(j)**

C11 S. 8(2) extended (2.12.2002) by Police Reform act 2002 (c. 30), s. 38, {Sch. 4 Pt. 2 para. 16(c)}; S.I. 2002/2750, **art. 2(a)(ii)(d)**

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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. 17(1)(cza) inserted by 2021 c. 17 s. 26(9)
- s. 47A(3A) substituted by 2022 c. 35 Sch. 2 para. 7
- s. 61(6BA) inserted by 2008 c. 28 s. 10(1) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by 2008 c. 28 s. 10(2) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by 2008 c. 28 s. 10(4) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by 2022 c. 32 Sch. 11 para. 18(a)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by 2006 c. 12 Sch. 3 para. 13