

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Cross Heading: Entry into dwellings. (See end of Document for details)

SCHEDULES

SCHEDULE 2

OFFICERS AND THEIR POWERS

Modifications etc. (not altering text)

- C1 Sch. 2 applied (E.W.) (with modifications) (1.2.2000) by S.I. 1999/3483, **reg. 4(6)** Sch. 2 applied (1.2.2000) by S.I. 2000/22, **art. 4(5)**
- C1 Sch. 2 applied (with modifications) (E.W.) (22.12.2005) by Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005 (S.I. 2005/3286), regs. 1(1), **3(6)**
- C1 Sch. 2 applied (with modifications) (S.) (22.12.2005) by Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005 (S.S.I. 2005/599), regs. 1(1), **3(6)**
- C1 Sch. 2 applied (30.6.2006) by Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations (Northern Ireland) 2006 (S.R. 2006/220), regs. 1, **3(6)**
- C1 Sch. 2 applied (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 44(4), 107(3)(b)**; S.I. 2006/2541, art. 2 (with Sch.)

Entry into dwellings

- 7 (1) An officer may only enter a dwelling for the purpose of performing his functions under this Act if a justice has issued a warrant authorising him to enter and search that dwelling.
- (2) A justice may only issue such a warrant if on an application made by the officer he is satisfied—
- (a) that the officer has reasonable grounds for believing that there is present in the dwelling anything to which those functions relate, and
 - (b) that—
 - (i) it is not practicable to communicate with any person entitled to grant entry to the dwelling; or
 - (ii) a person entitled to grant entry to the dwelling has unreasonably refused an officer entry; or
 - (iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or
 - (iv) the purpose of entry may be frustrated or seriously prejudiced unless an officer arriving at the dwelling can secure immediate entry to it.
- (3) In this paragraph “justice” means—
- (a) in relation to England and Wales and Northern Ireland, a justice of the peace; and
 - (b) in relation to Scotland, a sheriff, stipendiary magistrate or justice of the peace.

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- (4) In relation to England and Wales, sections 15 and 16 of the ^{M1}Police and Criminal Evidence Act 1984 (which relate to safeguards in respect of warrants and the execution of warrants) [^{F1}and, in relation to Northern Ireland, Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (which make provision corresponding to those sections)] shall have effect in relation to warrants for officers under this paragraph as they have effect in relation to warrants for constables.

Textual Amendments

- F1** Words inserted by [S.I. 1989/1341 \(N.I. 12\)](#), art. 90(1), **Sch. 6 para. 12**

Modifications etc. (not altering text)

- C1** [Sch. 2 para. 7](#) applied (with modifications)(E.W.S.) (17.4.1995) by [S.I. 1995/887](#), **reg. 24(1)**
- C2** [Sch. 2 paras. 4-9](#) applied (with modifications) (E.W.) (31.12.2003) by [Plant Protection Products Regulations 2003 \(S.I. 2003/3241\)](#), regs. 1, **24(1)**
- C3** [Sch. 2 paras. 4-9](#) applied (with modifications) (S.) (31.12.2003) by [Plant Protection Products \(Scotland\) Regulations 2003 \(S.S.I. 2003/579\)](#), regs. 1(1), **24**
- C4** [Sch. 2 paras. 4-9](#) applied (with modifications) (E.W.) (1.7.2005) by [Plant Protection Products Regulations 2005 \(S.I. 2005/1435\)](#), regs. 1, **24**
- C5** [Sch. 2 paras. 4-9](#) applied (with modifications) (S.) (1.7.2005) by [Plant Protection Products \(Scotland\) Regulations 2005 \(S.S.I. 2005/331\)](#), regs. 1(1), **24** (with [Sch. 4](#))

Marginal Citations

- M1** [1984 c. 44](#).

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