Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Offences

[F1 92A Search warrants

(1) Where a justice of the peace (in Scotland, a sheriff or justice of the peace) is satisfied by information on oath given by a constable (in Scotland, by evidence on oath) that there are reasonable grounds for believing—

(a) that an offence under section 92 (unauthorised use of trade mark, etc. in relation to goods) has been or is about to be committed in any premises, and

(b) that evidence that such an offence has been or is about to be committed is in those premises,

he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.

(2) The power conferred by subsection (1) does not, in England and Wales, extend to authorising a search for material of the kinds mentioned in section 9(2) of the Police and Criminal Evidence Act 1984 (c. 60) (certain classes of personal or confidential material).

(3) A warrant under subsection (1)—

(a) may authorise persons to accompany any constable executing the warrant, and

(b) remains in force for **[**F2 28 days**]**[F2 three months**]** from the date of its issue.

(4) In executing a warrant issued under subsection (1) a constable may seize an article if he reasonably believes that it is evidence that any offence under section 92 has been or is about to be committed.

(5) In this section " premises " includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft. **]**

Textual Amendments

F1 S. 92A inserted (20.11.2002) by 2002 c. 24, **s. 6**; S.I. 2002/2749, **art. 2**

F2 Words in s. 92A(3)(b) substituted (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 16 para. 8**; S.I. 2005/3495, art. 2(1)(s)

Modifications etc. (not altering text)

C1 S. 92A applied (with modifications) (29.4.2006) by Community Trade Mark Regulations 2006 (S.I. 2006/1027), regs. 1(1), **8**

Changes to legislation:
There are currently no known outstanding effects for the Trade Marks Act 1994, Section 92A.