



Drug Trafficking Act 1994

1994 CHAPTER 37

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Investigations into drug trafficking

56 Authority for search.

- (1) A constable may, for the purpose of an investigation into drug trafficking, apply to a Circuit judge for a warrant under this section in relation to specified premises.
- (2) On such application the judge may issue a warrant authorising a constable to enter and search the premises if the judge is satisfied—
 - (a) that an order made under section 55 of this Act in relation to material on the premises has not been complied with;
 - (b) that the conditions in subsection (3) below are fulfilled; or
 - (c) that the conditions in subsection (4) below are fulfilled.
- (3) The conditions referred to in subsection (2)(b) above are—
 - (a) that there are reasonable grounds for suspecting that a specified person has carried on ^{F1}... drug trafficking;
 - (b) that the conditions in subsection (4)(b) and (c) of section 55 of this Act are fulfilled in relation to any material on the premises; and
 - (c) that it would not be appropriate to make an order under that section in relation to the material because—
 - (i) it is not practicable to communicate with any person entitled to produce the material;
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or

Changes to legislation: Drug Trafficking Act 1994, Section 56 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless a constable could secure immediate access to the material.
- (4) The conditions referred to in subsection (2)(c) above are—
- (a) that there are reasonable grounds for suspecting that a specified person has carried on ^{F2}... drug trafficking;
 - (b) that there are reasonable grounds for suspecting that there is on the premises material relating to the specified person or to drug trafficking which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularised; and
 - (c) that—
 - (i) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (ii) entry to the premises will not be granted unless a warrant is produced; or
 - (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless a constable arriving at the premises could secure immediate entry to them.
- (5) Where a constable has entered premises in the execution of a warrant issued under this section, he may seize and retain any material, other than items subject to legal privilege and excluded material, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.

Textual Amendments

- F1** Words in s. 56(3)(a) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(b\), Sch. 12; S.I. 2003/120, art. 2, Sch. \(with arts. 3, 4\) \(as amended \(20.2.2003\) by S.I. 2003/333, art. 14\)](#)
- F2** Words in s. 56(4)(a) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(b\), Sch. 12; S.I. 2003/120, art. 2, Sch. \(with arts. 3, 4\) \(as amended \(20.2.2003\) by S.I. 2003/333, art. 14\)](#)

Modifications etc. (not altering text)

- C1** S. 56 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880, arts. 3\(2\), 4-6, Sch. 1](#)
 S. 56 modified (E.W.) (1.1.1997) by [S.I. 1996/2880, art. 3\(2\), Sch. 3](#)
- C2** S. 56(5): Power of seizure extended (*prosp.*) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\), Sch. 1 Pt. 1 para. 59](#)
 S. 56(5) modified (*prosp.*) by [2001 c. 16, ss. 55, 57\(3\), 68, 138\(2\), Sch. 1 Pt.3 para. 108](#)
- C3** S. 56(5) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 50, 138\(2\), Sch. 1 para. 59 \(with ss. 52-54, 68\); S.I. 2003/708, art. 2\(a\)](#)
- C4** S. 56(5) modified (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 55, 138\(2\), Sch. 1 para. 108 \(with ss. 57\(3\), 68\); S.I. 2003/708, art. 2\(a\)](#)

Changes to legislation:

Drug Trafficking Act 1994, Section 56 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 60(6A)(aa) inserted by [2003 c. 44 Sch. 36 para. 12\(3\)](#)
- s. 60(6A)(aa) words substituted by [2015 c. 2 Sch. 11 para. 15\(3\)](#) (This amendment not applied to legislation.gov.uk. The text prospectively inserted by 2003 c. 44, Sch. 36 para. 12 has not yet been brought into force and therefore cannot be substituted.)