Changes to legislation: *Terrorism Act 2000, Paragraph 28 is up to date with all changes known to be in force on or before 21 May 2024. 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*

SCHEDULES

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART II

SCOTLAND

Searches

28 (1) The procurator fiscal may apply to the sheriff to grant a warrant under this paragraph for the purposes of a terrorist investigation.

(2) A warrant under this paragraph shall authorise any constable—

(a) to enter **[**[F1]premises mentioned in sub-paragraph (2A)**]** ,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material which is found on a search under paragraph (b).

[[F2](2A) The premises referred to in sub-paragraph (2)(a) 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").**]**

(3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

(4) The sheriff may grant an application under this paragraph if satisfied—

(a) that the warrant is sought for the purposes of a terrorist investigation,

(b) that there are reasonable grounds for believing that there is material on **[**[F3]premises to which the application relates**]** which is likely to be of substantial value to a terrorist investigation, [F4]. . .

(c) that one of the conditions in paragraph 29 is satisfied **[**[F5], and**]**

[[F6](d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.**]**

(5) Where **[**[F7]a specific premises warrant**]** is granted in relation to non-residential premises, the entry and search must be within the period of 24 hours beginning with the time when the warrant is granted.

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(6) For the purpose of sub-paragraph (5) "non-residential premises" means any premises other than those which the procurator fiscal has reasonable grounds for believing are used wholly or mainly as a dwelling.

[[F8](6A) Where an all premises warrant is granted, entry and search in pursuance of the warrant of any premises which are non-residential premises must be within the period of 24 hours beginning with the time when the warrant is granted.

(6B) For the purpose of sub-paragraph (6A) " non-residential premises " means any premises other than those which the constable executing the warrant has reasonable grounds for believing are used wholly or mainly as a dwelling. **]**

(7) A warrant under this paragraph may authorise the persons named in the warrant to accompany the constable who is executing it.

Textual Amendments

F1 Words in Sch. 5 para. 28(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(2)**; S.I. 2006/1013, **art. 2**

F2 Sch. 5 para. 28(2A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(3)**; S.I. 2006/1013, **art. 2**

F3 Words in Sch. 5 para. 28(4)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(a)**; S.I. 2006/1013, **art. 2**

F4 Word in Sch. 5 para. 28(4)(b) repealed (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(5), **Sch. 3**; S.I. 2006/1013, **art. 2**

F5 Word in Sch. 5 para. 28(4)(c) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(b)**; S.I. 2006/1013, **art. 2**

F6 Sch. 5 para. 28(4)(d) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(c)**; S.I. 2006/1013, **art. 2**

F7 Words in Sch. 5 para. 28(5) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(5)**; S.I. 2006/1013, **art. 2**

F8 Sch. 5 para. 28(6A)(6B) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(6)**; S.I. 2006/1013, **art. 2**

Changes to legislation:
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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):

- Sch. 4 para. 11(1)(aa) inserted by 2003 c. 44 Sch. 36 para. 14(2)
- Sch. 4 para. 11(2A) inserted by 2003 c. 44 Sch. 36 para. 14(3)
- Sch. 4 para. 11(1)(aa) words substituted by 2015 c. 2 Sch. 11 para. 17(2)
- Sch. 4 para. 11(2A) words substituted by 2015 c. 2 Sch. 11 para. 17(3)
- Sch. 8 para. 14(2A) inserted by 2008 c. 28 s. 16(3) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 14(4)(ba) inserted by 2008 c. 28 s. 16(5) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 15(1)(aa)(ab) inserted by 2010 c. 17 s. 17(4)(b) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(2A) inserted by 2010 c. 17 s. 17(7) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(4) inserted by 2010 c. 17 s. 17(8) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14F(3)(b) and word omitted by 2012 c. 10 Sch. 24 para. 22 (This amendment not applied to legislation.gov.uk. The substitution of Sch. 8 para. 14F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14-14I substituted for Sch. 8 para. 14 by 2010 c. 17 s. 17(2) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20(3)-(3C) substituted for Sch. 8 para. 20(3) by 2010 c. 17 s. 18(2)(a) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20F(3) words omitted by 2012 c. 10 Sch. 24 para. 23 (This amendment not applied to legislation.gov.uk. The insertion of Sch. 8 para. 20F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))