



# Nuclear Safeguards Act 2000

## 2000 CHAPTER 5

### **8 Power to search and obtain evidence.**

(1) If—

- (a) a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting that evidence of the commission of an offence under this Act is to be found on any premises; or
- (b) in Scotland a justice (within the meaning of section 307 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1995) is satisfied by evidence on oath as mentioned in paragraph (a) above,

he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.

(2) The powers of an authorised officer who enters the premises under the authority of the warrant include power—

- (a) to take with him such other persons and such equipment as appear to him to be necessary;
- (b) to inspect anything found on the premises;
- (c) to require any information which is held in electronic form and is accessible from the premises to be produced in a form in which he can read and copy it [<sup>F1</sup>, or from which it can readily be produced in a form in which he can read and copy it];
- (d) to copy, or to seize and remove, any document or other thing which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act; and
- (e) to sample any substance found on the premises which he has reasonable cause to believe may be required as such evidence.

(3) A constable who enters premises under the authority of a warrant or by virtue of subsection (2)(a) may—

- (a) give such assistance as an authorised officer may request for the purpose of facilitating the exercise of any power under this section; and

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*Changes to legislation: There are currently no known outstanding effects for the Nuclear Safeguards Act 2000, Section 8. (See end of Document for details)*

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- (b) search or cause to be searched any person on the premises who the constable has reasonable cause to believe may have in his possession any document or other thing which may be required as evidence for the purposes of proceedings in respect of an offence under this Act.
- (4) No constable shall, by virtue of subsection (3)(b), search a person of the opposite sex.
- (5) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a constable.
- (6) A person who—
- (a) wilfully obstructs an authorised officer in the exercise of a power conferred by a warrant under this section; or
  - (b) fails without reasonable excuse to comply with a reasonable request made by an authorised officer or a constable for the purpose of facilitating the exercise of such a power,
- is guilty of an offence.

#### Textual Amendments

- F1** Words in s. 8(2)(c) inserted (1.4.2003) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 para. 22**; S.I. 2003/708, **art. 2(k)**

#### Modifications etc. (not altering text)

- C1** S. 8(2): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 para. 68**; S.I. 2003/708, **art. 2(a)**
- C2** S. 8(2)(c) modified (1.4.2003) by 2001 c. 16, ss. 63, 138(2); S.I. 2003/708, **art. 2(a)**

#### Commencement Information

- I1** S. 8 in force at 1.5.2004 by S.I. 2004/1242, **arts. 2, 3**

#### Marginal Citations

- M1** 1995 c. 46.

**Changes to legislation:**

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