



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Searches etc.*

#### **26 All premises warrants: England and Wales and Northern Ireland**

- (1) Part 1 of Schedule 5 to the Terrorism Act 2000 (searches etc. for the purposes of terrorist investigations in England and Wales and Northern Ireland) is amended as follows.
- (2) In paragraph 1 (search warrants authorising entry to specified premises), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “ premises mentioned in sub-paragraph (2A) ”.
- (3) After sub-paragraph (2) of that paragraph insert—
  - “(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’).”
- (4) In sub-paragraph (5) of that paragraph—
  - (a) in paragraph (b), for “premises specified in the application” substitute “ premises to which the application relates ”;
  - (b) in paragraph (c), at the end insert “ , and ”; and
  - (c) after that paragraph insert—
    - “(d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application

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*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Section 26. (See end of Document for details)*

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all the premises which the person so specified occupies or controls and which might need to be searched.”

(5) In paragraph 2 (warrants as to which special conditions are satisfied), in sub-paragraph (1), after “an application” insert “ for a specific premises warrant ”.

(6) After that paragraph insert—

“2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—

- (a) the application is made by a police officer of at least the rank of superintendent, and
- (b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—

- (a) in respect of premises which are not residential premises, and
- (b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) ‘residential premises’, in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling.”

(7) In paragraph 11 (applications for search warrants involving excluded or special procedure material), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “ premises mentioned in sub-paragraph (3A) ”.

(8) After sub-paragraph (3) of that paragraph insert—

“(3A) 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’).”

(9) In paragraph 12 (grant of applications where excluded or special procedure material is involved), in each of sub-paragraphs (1) and (2), after “an application” insert “ for a specific premises warrant ”.

(10) After sub-paragraph (2) of that paragraph insert—

“(2A) A Circuit judge or a District Judge (Magistrates' Courts) may grant an application for an all premises warrant under paragraph 11 if satisfied—

- (a) that an order made under paragraph 5 has not been complied with, and
- (b) that the person specified in the application is also specified in the order.

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(2B) A Circuit judge or a District Judge (Magistrates' Courts) may also grant an application for an all premises warrant under paragraph 11 if satisfied that there are reasonable grounds for believing—

- (a) that there is material on premises to which the application relates which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and
- (b) that the conditions in sub-paragraphs (3) and (4) are met.”

(11) In sub-paragraph (4)(b) of that paragraph, for “the premises on which the material is situated” substitute “premises to which the application for the warrant relates”.

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**Commencement Information**

**II** S. 26 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

**Changes to legislation:**

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