



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 4

#### NOTIFICATION REQUIREMENTS

##### *[<sup>F1</sup>Entry and search of home address*

##### **[<sup>F1</sup>56A Power to enter and search home address**

- (1) If on an application made by a senior police officer of the relevant force a justice is satisfied that the requirements in subsection (2) are met, the justice may issue a warrant authorising a constable of that force—
  - (a) to enter premises specified in the warrant for the purpose of assessing the risks posed by the person to whom the warrant relates; and
  - (b) to search the premises for that purpose.
- (2) The requirements are—
  - (a) that the person to whom the warrant relates—
    - (i) is a person to whom the notification requirements apply, and
    - (ii) is not a person to whom subsection (3) applies,
  - (b) that the address of each set of premises specified in the application is an address falling within subsection (4),
  - (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a), and
  - (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to gain entry for that purpose.
- (3) This subsection applies to a person who is—
  - (a) remanded in or committed to custody by order of a court,
  - (b) serving a sentence of imprisonment or a term of service detention,
  - (c) detained in a hospital, or

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 56A. (See end of Document for details)*

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- (d) outside the United Kingdom.
- (4) An address falls within this subsection if—
- (a) it is the address which was last notified in accordance with the notification requirements by the person to whom the warrant relates, or
  - (b) there are reasonable grounds to believe that the person to whom the warrant relates resides there or may regularly be found there.
- (5) A warrant issued under this section must specify each set of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).
- (8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this section—
- “justice” means—
- (a) in the application of this section to England and Wales, a justice of the peace;
  - (b) in the application of this section to Northern Ireland, a lay magistrate;
  - (c) in the application of this section to Scotland, a sheriff or summary sheriff;
- “the relevant force” means—
- (a) in relation to premises in England or Wales, the police force maintained for the police area in which the premises in respect of which the application is made or the warrant is issued are situated;
  - (b) in relation to premises in Northern Ireland, the Police Service of Northern Ireland;
  - (c) in relation to premises in Scotland, the Police Service of Scotland;
- “senior police officer” means a constable of the rank of superintendent or above;
- “sentence of imprisonment” includes any form of custodial sentence (apart from service detention);
- “service detention” has the meaning given by section 374 of the Armed Forces Act 2006.]

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**Textual Amendments**

- F1** S. 56A and cross-heading inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), ss. 13, 27(3) (with s. 24(1)-(5))

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 56A.