



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Information and records

22 Power to search and obtain evidence: supplementary

- (1) A person authorised by a warrant issued under section 21 to enter premises may, if necessary, use force to enter the premises.
- (2) A person who enters premises under a warrant issued under section 21 may—
 - (a) take such other persons and such equipment on to the premises as appear to that person to be necessary;
 - (b) inspect any document found on the premises which the person has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act;
 - (c) take copies of, or seize and remove, any such document;
 - (d) require information which is stored in an electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form);
 - (e) take copies of, or seize and remove, anything produced in pursuance of paragraph (d) which the person has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act;
 - (f) inspect, seize and remove any device or equipment found on the premises which the person has reasonable cause to believe may be required as such evidence;
 - (g) inspect, sample, seize and remove any substance found on the premises which the person has reasonable cause to believe may be required as such evidence.
- (3) Anything seized under subsection (2) may be retained for so long as is necessary in all the circumstances.

Changes to legislation: There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 22. (See end of Document for details)

- (4) A person who seizes anything under subsection (2) must, if requested to do so by a person who occupied the premises at the time of the seizure or who had possession or control of the thing immediately before it was seized, provide a record of its seizure.
- (5) Subsection (2) does not authorise a person to take action in relation to anything in respect of which a claim to legal professional privilege (or, in Scotland, to confidentiality of communications) could be maintained in legal proceedings.
- (6) Subsection (7) applies where a constable enters premises—
 - (a) under a warrant issued under section 21, or
 - (b) by virtue of subsection (2)(a) of this section.
- (7) The constable may search any person found on the premises whom the constable has reasonable cause to believe to be in possession of any document, device, equipment or substance which may be required as evidence for the purposes of proceedings in respect of an offence under this Act.
- (8) No constable may, by virtue of subsection (7), search a person of the opposite sex.
- (9) A warrant issued under section 21 may provide that the person who exercises the powers conferred by the warrant may, if that person is not a constable, do so only in the presence of a constable.
- (10) A person who wilfully obstructs another in the exercise of any power under this section is guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

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