

SCHEDULES

SCHEDULE 3

Section 40

SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

PART 1

APPLICATION OF THIS SCHEDULE

- 1 This Schedule applies to—
- (a) applications for search warrants made in England and Wales or Northern Ireland, and
 - (b) search warrants issued in England and Wales or Northern Ireland.

PART 2

SEARCH WARRANTS: APPLICATIONS AND SAFEGUARDS

Applications for warrants

- 2 (1) A person applying for a search warrant must—
- (a) state that the application is made under section 39 of this Act;
 - (b) specify the matters set out in sub-paragraph (2) or (3) (as the case may be);
 - (c) state what are the grounds for suspecting that relevant evidence is on the premises;
 - (d) identify, so far as is possible, the offence to which the relevant evidence relates.
- (2) If the person is applying for a specific-premises warrant, the person must specify each set of premises that it is desired to enter and search.
- (3) If the person is applying for an all-premises warrant, the person must specify—
- (a) as many of the sets of premises that it is desired to enter and search as it is reasonably practicable to specify;
 - (b) the person who is in occupation or control of those premises and any others that it is desired to enter and search;
 - (c) why it is necessary to search more premises than those specified under paragraph (a);
 - (d) why it is not reasonably practicable to specify all the premises that it is desired to enter and search.
- (4) If the person is applying for a search warrant authorising entry and search on more than one occasion, the person must also state—
- (a) the ground on which the person applies for such a warrant, and

(b) whether the person seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired.

(5) In this paragraph “specific-premises warrant” and “all-premises warrant” have the meaning given by section 39(3).

Safeguards in connection with power of entry conferred by warrant

3 A search warrant authorises entry on one occasion only, unless it specifies that it authorises multiple entries.

4 (1) A search warrant must—

- (a) specify the name of the person who applies for it;
- (b) specify the date on which it is issued;
- (c) state that the warrant is issued under section 39 of this Act;
- (d) specify each set of premises to be searched, or (in the case of an all-premises warrant) the person who is in occupation or control of premises to be searched, together with any premises to be searched that are under the person’s occupation or control and can be specified;
- (e) identify, so far as is possible, the offence to which the relevant evidence suspected to be on the premises relates.

(2) In sub-paragraph (1)(d) “all-premises warrant” has the meaning given by section 39(3).

5 (1) Two copies must be made of a search warrant that specifies only one set of premises and does not authorise multiple entries.

(2) As many copies as are reasonably required may be made of any other kind of search warrant.

(3) The copies must be clearly certified as copies.

PART 3

EXECUTION OF SEARCH WARRANTS

Warrant to be executed within one month

6 Entry and search under a search warrant must be within one month from the date of its issue.

All-premises warrants

7 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a relevant enforcement officer of the appropriate grade has authorised them to be entered.

(2) An authorisation under sub-paragraph (1) must be in writing.

(3) In this paragraph—

- “all-premises warrant” has the meaning given by section 39(3);
- “relevant enforcement officer of the appropriate grade” means—

- (a) a senior officer (see section 13(7)), or
- (b) in the case of a search warrant issued on the application of an officer of a local authority, a person designated by the local authority for the purposes of this paragraph.

Search of premises more than once

- 8 (1) Premises may be entered or searched for the second or any subsequent time under a search warrant authorising multiple entries only if a relevant enforcement officer of the appropriate grade has authorised that entry to the premises.
- (2) An authorisation under sub-paragraph (1) must be in writing.
- (3) In this paragraph “relevant enforcement officer of the appropriate grade” has the same meaning as in paragraph 7.

Time of search

- 9 Entry and search under a search warrant must be at a reasonable hour unless it appears to the relevant enforcement officer executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

Evidence of authority etc

- 10 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a relevant enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer’s name;
 - (b) if not a constable in uniform, the officer must produce to the occupier documentary evidence that the officer is a relevant enforcement officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a relevant enforcement officer seeks to execute the warrant—
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;
 - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

Extent of search

- 11 A search under a search warrant may only be a search to the extent required for the purpose for which the warrant was issued.

Securing premises after entry

- 12 A relevant enforcement officer who enters premises under a search warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

Status: This is the original version (as it was originally enacted).

Return and retention of warrant

- 13 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2))
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- (a) when the warrant has been executed, or
 - (b) on or before the expiry of the period of one month from the date of its issue, if the warrant is—
 - (i) a specific-premises warrant that has not been executed,
 - (ii) an all-premises warrant, or
 - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;
 - (b) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when issuing the warrant.
- (3) The appropriate person must retain a search warrant returned under sub-paragraph (1) for 12 months from the date of its return.
- (4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.
- (5) In this paragraph “specific-premises warrant” and “all-premises warrant” have the meaning given by section 39(3).