



Psychoactive Substances Act 2016

2016 CHAPTER 2

Powers of entry, search and seizure

39 Power to enter and search premises

- (1) Where a justice is satisfied that the requirements in subsection (4) are met in relation to any premises, the justice may issue a warrant (a “search warrant”) authorising a relevant enforcement officer—
 - (a) to enter the premises, and
 - (b) to search them for relevant evidence.
- (2) A search warrant may be issued only on the application of—
 - (a) a relevant enforcement officer, in England and Wales or Northern Ireland;
 - (b) a relevant enforcement officer or a procurator fiscal, in Scotland.
- (3) A search warrant may be either—
 - (a) a warrant that relates only to premises specified in the warrant (a “specific-premises warrant”), or
 - (b) in the case of a warrant issued in England and Wales or Northern Ireland, a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an “all-premises warrant”).
- (4) The requirements of this subsection are met in relation to premises if there are reasonable grounds to suspect that—
 - (a) there are items on the premises that are relevant evidence, and
 - (b) in a case where the premises are specified in the application, any of the conditions in subsection (5) is met.
- (5) The conditions referred to in subsection (4)(b) are—
 - (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) that it is not practicable to communicate with any person entitled to grant access to the items;

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Section 39. (See end of Document for details)

- (c) that entry to the premises is unlikely to be granted unless a warrant is produced;
 - (d) that the purpose of entry may be frustrated or seriously prejudiced unless a relevant enforcement officer arriving at the premises can secure immediate entry to them.
- (6) In this Act “relevant enforcement officer” means—
- (a) a police or customs officer (see section 36(4)), or
 - (b) an officer of a local authority.

Commencement Information

II S. 39 in force at 26.5.2016 by S.I. 2016/553, reg. 2

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