



Psychoactive Substances Act 2016

2016 CHAPTER 2

Powers of entry, search and seizure

40 Further provision about search warrants

- (1) An application for a search warrant may be made without notice being given to persons who might be affected by the warrant.
- (2) The application must be supported—
 - (a) in England and Wales, by an information in writing;
 - (b) in Scotland, by evidence on oath;
 - (c) in Northern Ireland, by a complaint on oath.

- (3) A person applying for a search warrant must answer on oath any question that the justice hearing the application asks the person.

In the case of an application made by a procurator fiscal, that requirement may be met by a relevant enforcement officer.

- (4) A search warrant may be executed by any relevant enforcement officer.
- (5) A search warrant may authorise persons to accompany any relevant enforcement officer who is executing it.
- (6) A person authorised under subsection (5) to accompany a relevant enforcement officer may exercise any power conferred by sections 39 to 45 which the officer may exercise as a result of the warrant.

But the person may exercise such a power only in the company of, and under the supervision of, a relevant enforcement officer.

- (7) Schedule 3 contains further provision about—
 - (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.

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Section 40. (See end of Document for details)

- (8) An entry on or search of premises under a search warrant issued in England and Wales or Northern Ireland is unlawful unless it complies with the provisions of Part 3 of that Schedule (execution of search warrants).

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Commencement Information

II [S. 40](#) in force at 26.5.2016 by [S.I. 2016/553](#), [reg. 2](#)

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There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Section 40.