

SCHEDULE 1 ENFORCEMENT POWERS

Entry and associated powers

- 3 (1) A sheriff or justice of the peace may grant a warrant under this sub-paragraph if satisfied—
- (a) that there are reasonable grounds for believing—
 - (i) that a section 1 offence has been or is being committed at any premises, or
 - (ii) that evidence of the commission of, or participation in, a section 1 offence is to be found at any premises, and
 - (b) that condition A or condition B is satisfied in relation to the premises.
- (2) Condition A is—
- (a) that—
 - (i) admission to the premises has been refused, or
 - (ii) such a refusal may reasonably be expected, and
 - (b) that—
 - (i) notice of the intention to seek a warrant has been given to the occupier of the premises, or
 - (ii) the giving of such notice would frustrate the purpose for which the warrant is sought.
- (3) Condition B is—
- (a) that the premises are unoccupied, or
 - (b) that the occupier is temporarily absent.