



Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

PART 3

OFFENCES RELATING TO STIRRING UP HATRED

Further provision relating to the offences

5 Powers of entry etc. with warrant

- (1) A sheriff or justice of the peace may grant a warrant under this section authorising a constable to enter premises if the sheriff or justice of the peace is satisfied, by evidence on oath, that there are reasonable grounds for suspecting—
 - (a) that an offence under section 4 has been, or is being, committed at the premises, or
 - (b) that there is evidence at the premises of the commission of an offence under section 4.
- (2) A warrant granted under this section remains in force for a period of 28 days beginning with the day on which it was granted.
- (3) A warrant granted under this section may authorise a constable to—
 - (a) enter the premises by force if necessary,
 - (b) search the premises and any person found in the premises,
 - (c) seize and detain any material found on the premises, or on any person in the premises, if the constable has reasonable grounds for suspecting that it may provide evidence of the commission of an offence under section 4.
- (4) A constable who is authorised by a warrant granted under this section to seize and detain material may, if the material is only capable of being looked at, read, watched or listened to (as the case may be) after conversion from data stored in another form, require that the material—
 - (a) be converted into such a form in a way which enables it to be taken away, or
 - (b) be produced in a form which is capable of being taken away and from which it can be readily converted.

Status: This is the original version (as it was originally enacted).

(5) In this section—

- (a) “constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012,
- (b) “premises” means any place and includes any—
 - (i) land or building,
 - (ii) vehicle, vessel, trailer, aircraft or hovercraft,
 - (iii) tent or moveable structure.