

SCHEDULES

SCHEDULE 3

SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

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.

Return and retention of warrant

- 13 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2))—
- (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).