

## SCHEDULES

### SCHEDULE 3

#### POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

##### *Safeguards etc. in connection with powers of entry conferred by warrant*

1.—(1) Articles 17 and 18 of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) shall have effect in relation to the issue of a warrant under section 18(4) or 22(1) to an inspector as they have effect in relation to the issue of a warrant under that provision to a constable.

(2) In their application in relation to the issue of a warrant under section 18(4) or 22(1), Articles 17 and 18 of that Order shall have effect with the following modifications.

(3) In Article 17—

- (a) in paragraph (2), omit the words from the end of sub-paragraph (a)(ii) to the end of sub-paragraph (b);
- (b) omit paragraphs (2A) and (5A);
- (c) in paragraph (5), omit the words from “unless” to the end;
- (d) in paragraph (6)(a), omit the words from the end of head (iii) to the end of head (iv);
- (e) in paragraph (7), omit the words from “which” to the end.

(4) In Article 18—

- (a) omit paragraphs (3A) and (3B);
- (b) in paragraph (9), omit the words after sub-paragraph (b).

2.—(1) This paragraph and paragraphs 3 and 4 have effect in relation to the issue to inspectors of warrants under section 26(4) or 27(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraphs 3 and 4.

(2) Where an inspector applies for a warrant, the inspector must—

- (a) state the grounds on which the application is made,
- (b) state the statutory provision under which the warrant would be issued, and
- (c) specify the premises which it is desired to enter.

(3) The inspector must answer any question asked by the lay magistrate hearing the application.

(4) A warrant shall authorise an entry on one occasion only.

(5) A warrant must specify—

- (a) the name of the person who applies for it,
- (b) the date on which it is issued, and
- (c) the statutory provision under which it is issued.

(6) Two copies must be made of a warrant.

(7) The copies must be clearly certified as copies by the lay magistrate who issues the warrant.

**3.—(1)** A warrant may be executed by any inspector.

(2) A warrant may authorise persons to accompany any inspector who is executing it.

(3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom that person accompanies in respect of the execution of the warrant, but may exercise those powers only in the company of, and under the supervision of, an inspector.

(4) Execution of a warrant must be within three months from the date of its issue.

(5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.

(6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector must—

- (a) identify himself or herself to the occupier and shall produce to the occupier documentary evidence that he or she is an inspector,
- (b) produce the warrant to the occupier, and
- (c) supply the occupier with a copy of it.

(7) Where—

- (a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but
- (b) some other person who appears to the inspector to be in charge of the premises is present,

sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.

(8) If there is no person present who appears to the inspector to be in charge of the premises, the inspector must leave or affix a copy of the warrant in a prominent place on the premises.

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

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(9) A warrant which—

(a) has been executed; or

(b) has not been executed within the time authorised for its execution,

shall be returned to the clerk of petty sessions for the petty sessions district in which the lay magistrate who issued the warrant was acting when the warrant was issued.

(10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.

(11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, the occupier shall be allowed to do so.

**4.—**(1) An inspector who enters any premises by virtue of a warrant must comply with a code of practice which has been published under sub-paragraph (4) and has not been withdrawn.

(2) The Department must prepare a code of practice in connection with the exercise by inspectors of a power of entry conferred by virtue of a warrant.

(3) After preparing a draft of the code the Department—

(a) must publish the draft in such manner as it thinks appropriate and invite representations regarding the draft;

(b) must consider any representations made to it regarding the draft; and

(c) may amend the draft accordingly.

(4) After the Department has proceeded under sub-paragraph (3) it must publish the code in such manner as it thinks appropriate.

(5) The Department must from time to time review the code and if it thinks it appropriate revise the code.

(6) Sub-paragraphs (2) to (4) apply to a revision of the code as they apply to its preparation.