



2015 CHAPTER 9

PART 8

VIOLENT OFFENCES PREVENTION ORDERS

Supplementary

Power of entry and search of offender's home address

75.—(1) If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in subsection (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—

- (a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and
- (b) to search the premises for that purpose.

(2) The requirements are—

- (a) that the address of each set of premises specified in the application is an address falling within subsection (3);
- (b) that the offender is not one to whom subsection (4) applies;
- (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a);
- (d) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and

- (e) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.
- (3) An address falls within this subsection if—
 - (a) it is the address which was last notified in accordance with this Part by the offender to the police as the offender's home address; or
 - (b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.
- (4) This subsection applies to an offender if the offender is—
 - (a) remanded in or committed to custody by order of a court;
 - (b) serving a custodial sentence;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (5) A warrant issued under this section must specify the one or more sets of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).
- (8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this section a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—
 - (a) who has in accordance with this Part notified the police that the premises specified in the warrant are the offender's home address; or
 - (b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.