



2016 CHAPTER 22

PART 5

Supplementary

*Powers of entry*

**Powers of entry: with warrant**

79.—(1) A lay magistrate may issue a warrant under this section authorising a person named in the warrant to enter and search premises which are specified in the warrant.

(2) A magistrate may issue such a warrant only if satisfied, on a complaint made in writing and substantiated on oath, that the first and second conditions are met.

(3) The first condition is that an officer of the council, or a person acting on behalf of the council, reasonably requires to enter or search the premises for the purpose of enabling or assisting the council to decide—

- (a) whether any offence under this Act has been committed in relation to any living accommodation,
- (b) whether any requirement imposed by any notice issued under this Act in relation to any living accommodation is being or has been complied with, or
- (c) any of the matters mentioned in paragraphs (a) to (c) of section 78(1).

(4) The second condition is that—

- (a) applying to the owner or occupiers for entry (whether under section 78 or otherwise) would defeat the purpose of the entry or search,

- (b) the premises are unoccupied,
  - (c) the premises are temporarily vacant and it might defeat the purpose of the entry to await the return of the occupiers, or
  - (d) entry to the premises has been sought in accordance with section 78 but has been refused.
- (5) A warrant under this section must specify the purpose for which the entry and search is required.
- (6) A warrant under this section may authorise the use of force.
- (7) Entry under a warrant under this section must be at a reasonable hour unless it appears to the person executing it that the purpose of the entry or search may be defeated if the entry is at a reasonable hour.
- (8) A person executing a warrant under this section may—
- (a) search for, and inspect, any document or other item;
  - (b) take copies of any document;
  - (c) require any person to provide such information or other assistance as the person executing the warrant requires for the purpose of the entry or search.
- (9) A person executing a warrant under this section must produce the warrant for inspection, if requested to do so by the owner or occupier or any person acting on their behalf.
- (10) A warrant under this section is valid for the period of one month beginning with the date on which it is issued.