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STATUTORY INSTRUMENTS

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**1989 No. 1341**

**The Police and Criminal Evidence  
(Northern Ireland) Order 1989**

**PART III**

**POWERS OF ENTRY, SEARCH AND SEIZURE**

*Search warrants*

**Execution of warrants**

**18.**—(1) A warrant to enter and search premises may be executed by any constable.

(2) Such a warrant may authorise persons to accompany any constable who is executing it.

[<sup>F1</sup>(2A) A person so authorised has the same powers as the constable whom he accompanies in respect of—

- (a) the execution of the warrant; and
- (b) the seizure of anything to which the warrant relates.

(2B) But he may exercise those powers only in the company of, and under the supervision of, a constable.]

(3) Entry and search under a warrant must be within [<sup>F2</sup>3 months] from the date of its issue.

[<sup>F3</sup>(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless a police officer of at least the rank of inspector has in writing authorised them to be entered.

(3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless a police officer of at least the rank of inspector has in writing authorised that entry to those premises.]

(4) Entry and search under a warrant must be at a reasonable hour unless it appears to the constable executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

(5) Where the occupier of premises which are to be entered and searched is present at the time when a constable seeks to execute a warrant to enter and search them, the constable—

- (a) shall identify himself to the occupier and, if not in uniform, shall produce to him documentary evidence that he is a constable;
- (b) shall produce the warrant to him; and
- (c) shall supply him with a certified copy of it.

(6) Where—

- (a) the occupier of such premises is not present at the time when a constable seeks to execute such a warrant; but
- (b) some other person who appears to the constable to be in charge of the premises is present,

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paragraph (5) shall have effect as if any reference to the occupier were a reference to that other person.

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

(8) A search under a warrant may only be a search to the extent required for the purpose for which the warrant was issued.

(9) A constable executing a warrant shall make an endorsement on it stating—

- (a) whether the articles or persons sought were found; and
- (b) whether any articles were seized, other than articles which were sought.

[<sup>F4</sup>and, unless the warrant is a warrant specifying one set of premises only, he shall do so separately in respect of each set of premises entered and searched, which he shall in each case state in the endorsement.]

[<sup>F5</sup>(10) A warrant shall be returned to the appropriate person mentioned in paragraph (10A)—

- (a) when it has been executed; or
- (b) in the case of a specific premises warrant which has not been executed, or an all premises warrant, or any warrant authorising multiple entries, upon the expiry of the period of 3 months referred to in paragraph (3) or sooner.

(10A) The appropriate person is—

- (a) if the warrant was issued by a lay magistrate, the clerk of petty sessions for the petty sessions district in which the magistrate was acting when he issued the warrant;
- (b) if it was issued by a judge, the appropriate officer of the court from which he issued it.]

(11) A warrant which is returned under paragraph (10) shall be retained for 12 months from its return.

(12) If during the period for which a warrant is to be retained the occupier of [<sup>F6</sup>premises] to which it relates asks to inspect it, he shall be allowed to do so.

**F1** Art. 18(2A)(2B) inserted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(2)**

**F2** Words in art. 18(3) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(3)**

**F3** Art. 18(3A)(3B) inserted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(4)**

**F4** Words in art. 18(9) added (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(5)**

**F5** Art. 18(10)(10A) substituted (1.3.2007) for art. 18(10) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(6)**

**F6** Words in art. 18(12) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **10(7)**

#### **Modifications etc. (not altering text)**

**C1** Art. 18 applied (with modifications) (1.12.2007) by [Police and Criminal Evidence \(Application to Revenue and Customs\) Order \(Northern Ireland\) 2007 \(S.R. 2007/464\)](#), arts. 3-15, **Sch. 1**, Sch. 2

**C2** Art. 18 modified (21.8.2007) by [Offshore Marine Conservation \(Natural Habitats, &c.\) Regulations 2007 \(S.I. 2007/1842\)](#), **reg. 53(6)** (with reg. 3)

**C3** Art. 18 applied (with modifications) (18.5.2009) by [Police and Criminal Evidence \(Application to the Police Ombudsman\) Order \(Northern Ireland\) 2009 \(S.R. 2009/142\)](#), art. 3, **Sch. 1**, Sch. 2

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- C4** Art. 18 applied (31.12.2009) by Banking Act 2009 (c. 1), **ss. 194(7)(9)(b)**, 263(1) (with ss. 206, 247); S.I. 2009/3000, arts. 2(b), **4**, Sch. para. 2
- C5** Art. 18 applied (7.6.2010) by Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 18(6)**
- C6** Art. 18 modified (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 47, 59, **Sch. 3 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1
- C7** Art. 18 applied with modification(s) (1.3.2016) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016/33), arts. 1(1), **3(1)**
- C8** Art. 18(3)-(12) applied (N.I.) by 2000 c. 8, s. 131FB(8)(as inserted (1.11.2012) by The Financial Services and Markets Act 2000 (Short Selling) Regulations 2012 (S.I. 2012/2554), regs. 1(1), **2(5)**
- C9** Art. 18(3)-(12) applied (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), regs. 1(2), **17(11)** (with regs. 52-58)
- C10** Art. 18(3)-(12) applied (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 88(10)**, 148(5); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- C11** Art. 18(3)-(12) applied by 2009 c. 1, s. 83ZL(10) (as inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **97**)

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