

## SCHEDULES

### SCHEDULE 1

#### SPECIAL PROCEDURE

##### *Issue of warrants by county court judge*

- 9.** If on an application made by a constable a county court judge—
- (a) is satisfied—
    - (i) that either set of access conditions is fulfilled; and
    - (ii) that any of the further conditions set out in paragraph 11 is also fulfilled; or
  - (b) is satisfied—
    - (i) that the second set of access conditions is fulfilled; and
    - (ii) that an order under paragraph 4 relating to the material has not been complied with,
- he may issue a warrant authorising a constable to enter and search the premises.
- 10.** A constable may seize and retain anything for which a search has been authorised under paragraph 9.
- 11.** The further conditions mentioned in paragraph 9(a)(ii) are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises to which the application relates;
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material;
  - (c) that the material contains information which—
    - (i) is subject to a restriction or obligation such as is mentioned in Article 13(2)(b); and
    - (ii) is likely to be disclosed in breach of it if a warrant is not issued;
  - (d) that service of notice of an application for an order under paragraph 4 may seriously prejudice the investigation for the purpose of which the application is sought, or other investigations.
- 12.**—(1) If a person fails to comply with an order under paragraph 4, a county court judge may deal with him as if he had committed a contempt of the Crown Court.
- (2) Any statutory provision relating to contempt of the Crown Court shall have effect in relation to such a failure as if it were such a contempt.