

SCHEDULES

SCHEDULE 7

TERRORIST INVESTIGATIONS

PART II

SCOTLAND

Warrant for search of premises

- 14 (1) A procurator fiscal may, for the purpose of a terrorist investigation, apply to a sheriff for a warrant under this paragraph in relation to specified premises.
- (2) On such application the sheriff may issue a warrant authorising a constable to enter and search the premises if the sheriff is satisfied—
- (a) that an order made under paragraph 12 above in relation to material on the premises has not been complied with; or
 - (b) that the conditions in sub-paragraph (3) below are fulfilled.
- (3) The conditions referred to in sub-paragraph (2)(b) above are—
- (a) that there are reasonable grounds for believing that there is material on the premises specified in the application in respect of which the conditions in sub-paragraph (5) of paragraph 12 above are fulfilled; and
 - (b) that it would not be appropriate to make an order under that paragraph in relation to the material because—
 - (i) it is not practicable to communicate with any person entitled to produce the material; or
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or
 - (iii) the investigation for the purposes of which the application is made may be seriously prejudiced unless a constable can secure immediate access to the material.
- (4) A warrant under this paragraph shall authorise a constable to enter the premises specified in the warrant and to search the premises and any persons found there and to seize and retain any material found there or on any such person, if he has reasonable grounds for believing that it is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.
- (5) A warrant under this paragraph may authorise persons named in the warrant to accompany a constable who is executing it.