



# Children Act 1989

## 1989 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Search warrants*

#### **102 Power of constable to assist in exercise of certain powers to search for children or inspect premises.**

- (1) Where, on an application made by any person for a warrant under this section, it appears to the court—
- that a person attempting to exercise powers under any enactment mentioned in subsection (6) has been prevented from doing so by being refused entry to the premises concerned or refused access to the child concerned; or
  - that any such person is likely to be so prevented from exercising any such powers,

it may issue a warrant authorising any constable to assist that person in the exercise of those powers, using reasonable force if necessary.

- (2) Every warrant issued under this section shall be addressed to, and executed by, a constable who shall be accompanied by the person applying for the warrant if—
- that person so desires; and
  - the court by whom the warrant is issued does not direct otherwise.

- (3) A court granting an application for a warrant under this section may direct that the constable concerned may, in executing the warrant, be accompanied by a registered medical practitioner, registered nurse or [<sup>F1</sup>registered midwife] if he so chooses.

[<sup>F2</sup>(3A) The reference in subsection (3) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.]

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**Changes to legislation:** Children Act 1989, Section 102 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (4) An application for a warrant under this section shall be made in the manner and form prescribed by rules of court.
- (5) Where—
- (a) an application for a warrant under this section relates to a particular child; and
  - (b) it is reasonably practicable to do so,
- the application and any warrant granted on the application shall name the child; and where it does not name him it shall describe him as clearly as possible.
- (6) The enactments are—
- (a) sections 62, 64, 67, [<sup>F3</sup>76,][<sup>F4</sup>79U,] 80, 86 and 87;
  - (b) paragraph 8(1)(b) and (2)(b) of Schedule 3;
  - (c) <sup>F5</sup> .....

#### Textual Amendments

- F1** Words in s. 102(3) substituted (12.2.2002) by S.I. 2002/253, arts. 1, 54, **Sch. 5 para. 10(c)** (with art. 3(18)) (the substitution coming into force in accordance with art. 1(2)(3) of the said S.I. 2002/253)
- F2** S. 102(3A) inserted (1.8.2004) by **The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004** (S.I. 2004/1771), art. 3, **Sch. para. 4(c)**
- F3** Words in s. 102(6)(a) repealed (S.) (1.4.2002) by 2001 asp 8, ss. 80(1), **Sch. 4**; S.S.I. 2002/162, **art. 2(g)(i)** (subject to arts. 3-13)
- F4** Words in s. 102(6)(a) inserted (1.4.2002 for W. and otherwise *prosp.*) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 14(22)**; S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10)) (subject to transitional provisions in Schs. 1-3)
- F5** S. 102(6)(c) repealed (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 69, Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**; S.I. 2005/2897, **art. 2(b)**

#### Commencement Information

- I1** S. 102 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)