



# Knives Act 1997

## 1997 CHAPTER 21

### *Supplementary powers*

#### **5 Supplementary powers of entry, seizure and retention**

- (1) If, on an application made by a constable, a justice of the peace or sheriff is satisfied that there are reasonable grounds for suspecting—
  - (a) that a person (“the suspect”) has committed an offence under section 1 in relation to knives of a particular description, and
  - (b) that knives of that description and in the suspect’s possession or under his control are to be found on particular premises,the justice or sheriff may issue a warrant authorising a constable to enter those premises, search for the knives and seize and remove any that he finds.
- (2) If, on an application made by a constable, a justice of the peace or sheriff is satisfied that there are reasonable grounds for suspecting—
  - (a) that a person (“the suspect”) has committed an offence under section 2 in relation to particular material, and
  - (b) that publications consisting of or containing that material and in the suspect’s possession or under his control are to be found on particular premises,the justice or sheriff may issue a warrant authorising a constable to enter those premises, search for the publications and seize and remove any that he finds.
- (3) A constable, in the exercise of his powers under a warrant issued under this section, may if necessary use reasonable force.
- (4) Any knives or publications which have been seized and removed by a constable under a warrant issued under this section may be retained until the conclusion of proceedings against the suspect.
- (5) For the purposes of this section, proceedings in relation to a suspect are concluded if—
  - (a) he is found guilty and sentenced or otherwise dealt with for the offence;
  - (b) he is acquitted;
  - (c) proceedings for the offence are discontinued; or

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*Status: This is the original version (as it was originally enacted).*

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- (d) it is decided not to prosecute him.
- (6) In this section “premises” includes any place and, in particular, any vehicle, vessel, aircraft or hovercraft and any tent or movable structure.