
Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 5

INVESTIGATION OF PROCEEDS OF ICC CRIME

PART 2

SEARCH WARRANTS

Application for warrant

- 8 A search warrant may be issued under this Part of this Schedule by a Circuit Judge or, in Northern Ireland, a county court judge on an application made in pursuance of a direction by the Secretary of State under section 37(1) (investigation of proceeds of ICC crime).

Effect of warrant

- 9 (1) A search warrant issued under this Part of this Schedule authorises any constable—
- (a) to enter and search the premises specified in the warrant, and
 - (b) to seize and retain any material found on the search that is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the warrant was issued.
- (2) The warrant does not confer any right to seize material that consists of or includes items subject to legal privilege.

Grounds for issue of warrant

- 10 (1) The judge may issue a search warrant under this Part of this Schedule in the following cases.
- (2) The first case is where the judge is satisfied that a production or access order made in relation to material on the premises has not been complied with.
- (3) The second case is where the judge is satisfied—
- (a) that there are reasonable grounds for suspecting that a specified person has benefited from an ICC crime,
 - (b) that there are grounds for making a production or access order (see paragraph 2) in relation to material on the premises, and
 - (c) that it would not be appropriate to make a production or access order in relation to the material for any of the following reasons.
- (4) Those reasons are—
- (a) that it is not practicable to communicate with any person entitled to produce the material,

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- (b) that 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
 - (c) that the investigation for the purposes of which the application is made might be seriously prejudiced unless a constable could secure immediate access to the material.
- (5) The third case is where the judge is satisfied—
- (a) that there are reasonable grounds for suspecting that a specified person has benefited from an ICC crime,
 - (b) that there are reasonable grounds for suspecting that there is material on the premises which cannot be particularised at the time of the application but which—
 - (i) relates to the specified person, or to the question whether that person has benefited from an ICC crime, or to any question as to the extent or whereabouts of the proceeds of an ICC crime, and
 - (ii) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application is made, and
 - (c) that any of the following circumstances apply.
- (6) Those circumstances are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises,
 - (b) that entry to the premises will not be granted unless a warrant is produced, or
 - (c) that the investigation for the purposes of which the application is made might be seriously prejudiced unless a constable arriving at the premises could secure immediate entry to them.

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