Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 1

INVESTIGATORY POWERS OF DPP, ETC.

Enforcement

66 Power to enter and seize documents

(1) A justice of the peace may issue a warrant under this section if, on an information on oath laid by the Investigating Authority, he is satisfied—

(a) that any of the conditions mentioned in subsection (2) is met in relation to any documents of a description specified in the information, and

(b) that the documents are on premises so specified.

(2) The conditions are—

(a) that a person has been required by a disclosure notice to produce the documents but has not done so;

(b) that it is not practicable to give a disclosure notice requiring their production;

(c) that giving such a notice might seriously prejudice the investigation of an offence to which this Chapter applies.

(3) A warrant under this section is a warrant authorising an appropriate person named in it—

(a) to enter and search the premises, using such force as is reasonably necessary;

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(b) to take possession of any documents appearing to be documents of a description specified in the information, or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such documents;

(c) in the case of any such documents consisting of information recorded otherwise than in legible form, to take possession of any computer disk or other electronic storage device which appears to contain the information in question, or to take any other steps which appear to be necessary for preserving, or preventing interference with, that information;

(d) to take copies of or extracts from any documents or information falling within paragraph (b) or (c);

(e) to require any person on the premises to provide an explanation of any such documents or information or to state where any such documents or information may be found;

(f) to require any such person to give the appropriate person such assistance as he may reasonably require for the taking of copies or extracts as mentioned in paragraph (d).

(4) A person executing a warrant under this section may take other persons with him, if it appears to him to be necessary to do so.

(5) A warrant under this section must, if so required, be produced for inspection by the owner or occupier of the premises or anyone acting on his behalf.

(6) If the premises are unoccupied or the occupier is temporarily absent, a person entering the premises under the authority of a warrant under this section must leave the premises as effectively secured against trespassers as he found them.

(7) Where possession of any document or device is taken under this section—

(a) the document may be retained for so long as the Investigating Authority considers that it is necessary to retain it (rather than a copy of it) in connection with the investigation for the purposes of which the warrant was sought, or

(b) the device may be retained for so long as he considers that it is necessary to retain it in connection with that investigation,

as the case may be.

(8) If the Investigating Authority has reasonable grounds for believing—

(a) that any such document or device may have to be produced for the purposes of any legal proceedings, and

(b) that it might otherwise be unavailable for those purposes,

it may be retained until the proceedings are concluded.

(9) Nothing in this section authorises a person to take possession of, or make copies of or take extracts from, any document or information which, by virtue of section 64, could not be required to be produced or disclosed under section 62 or 63.

(10) In the application of this section to Scotland—

(a) subsection (1) has effect as if, for the words from the beginning to "satisfied —", there were substituted " A sheriff may issue a warrant under this section, on the application of a procurator fiscal, if he is satisfied— ";

(b) subsections (1)(a) and (3)(b) have effect as if, for "in the information", there were substituted " in the application "; and

(c) subsections (4) to (6) do not have effect.

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[[F1](11) In the application of this section to Northern Ireland—

(a) subsection (1) has effect as if, for the words from the beginning to "laid", there were substituted "A lay magistrate may issue a warrant under this section if, on complaint on oath made"; and

(b) subsections (1)(a) and (3)(b) have effect as if, for "in the information", there were substituted "in the complaint".**]**

Textual Amendments

F1 S. 66(11) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 7**; S.I. 2006/2966, art. 3

Modifications etc. (not altering text)

C1 Ss. 60-67 extended (Northern Ireland) (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 26(1)**, 31(3); S.I. 2006/2966, art. 3

Commencement Information

I1 S. 66 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

I2 S. 66 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(a)**

67 Offences in connection with disclosure notices or search warrants

(1) A person commits an offence if, without reasonable excuse, he fails to comply with any requirement imposed on him under section 62 or 63.

(2) A person commits an offence if, in purported compliance with any requirement imposed on him under section 62 or 63—

(a) he makes a statement which is false or misleading, and

(b) he either knows that it is false or misleading or is reckless as to whether it is false or misleading.

"False or misleading" means false or misleading in a material particular.

(3) A person commits an offence if he wilfully obstructs any person in the exercise of any rights conferred by a warrant under section 66.

(4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction—

(a) to imprisonment for a term not exceeding 51 weeks, or

(b) to a fine not exceeding level 5 on the standard scale,

or to both.

(5) A person guilty of an offence under subsection (2) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding **[**[F2]the general limit in a magistrates' court**]** or to a fine not exceeding the statutory maximum, or to both.

(6) In the application of this section to Scotland, the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 12 months.

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[[F3](7) In the application of this section to Northern Ireland—

(a) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 6 months; and

(b) the reference to 12 months in subsection (5)(b) is to be read as a reference to 6 months.**]**

Textual Amendments

F2 Words in s. 67(5)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

F3 S. 67(7) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 8**; S.I. 2006/2966, art. 3

Modifications etc. (not altering text)

C1 Ss. 60-67 extended (Northern Ireland) (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 26(1)**, 31(3); S.I. 2006/2966, art. 3

Commencement Information

I3 S. 67 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

I4 S. 67 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(a)**

Changes to legislation:
Serious Organised Crime and Police Act 2005, Cross Heading: Enforcement is up to date with all changes known to be in force on or before 15 September 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.
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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. 71(4)(dac) inserted by 2024 c. 13 s. 328(2)
- s. 71(8) inserted by 2024 c. 13 s. 328(4)

Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005
Commencement Orders bringing provisions within this Act into force:

- S.I. 2006/2182 art. 3 amendment to earlier commencing SI 2006/1871