



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 3

POLICE POWERS ETC.

Search warrants

113 Search warrants: premises

- (1) PACE is amended as follows.
- (2) Section 8 (power to authorise entry and search of premises) is amended as provided in subsections (3) and (4).
- (3) In subsection (1)—
 - (a) in paragraph (b), for “specified in the application” substitute “ mentioned in subsection (1A) below ”,
 - (b) in paragraph (e), at the end add “ in relation to each set of premises specified in the application ”.
- (4) After subsection (1) insert—

“(1A) The premises referred to in subsection (1)(b) above are—

 - (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”); or
 - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).

(1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

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- (a) that because of the particulars of the offence referred to in paragraph (a) of subsection (1) above, there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in paragraph (b) of that subsection; and
 - (b) that it is not reasonably practicable to specify in the application all the premises which he occupies or controls and which might need to be searched.”
- (5) Section 15 (search warrants—safeguards) is amended as provided in subsections (6) to (8).
- (6) For subsection (2)(b) substitute—
 - “(b) to specify the matters set out in subsection (2A) below; and”.
- (7) After subsection (2) insert—
 - “(2A) The matters which must be specified pursuant to subsection (2)(b) above are—
 - (a) if the application is for a specific premises warrant made by virtue of section 8(1A)(a) above or paragraph 12 of Schedule 1 below, each set of premises which it is desired to enter and search;
 - (b) if the application is for an all premises warrant made by virtue of section 8(1A)(b) above or paragraph 12 of Schedule 1 below—
 - (i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;
 - (ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;
 - (iii) why it is necessary to search more premises than those specified under sub-paragraph (i); and
 - (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.”
- (8) For subsection (6)(a)(iv) substitute—
 - “(iv) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under his occupation or control which can be specified and which are to be searched; and”.
- (9) In section 16 (execution of warrants)—
 - (a) after subsection (3) insert—
 - “(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless a police officer of at least the rank of inspector has in writing authorised them to be entered.”,
 - (b) in subsection (9), after paragraph (b) add— “ and, unless the warrant is a specific premises warrant specifying one set of premises only, he shall do so separately in respect of each set of premises entered and searched, which he shall in each case state in the endorsement. ”,
 - (c) in subsection (12), for “the premises” substitute “ premises ”.

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- (10) Schedule 1 (special procedure) is amended as follows.
- (11) In each of paragraphs 2(a)(ii) and 3(a), at the end add “, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify);”.
- (12) In paragraph 3(b), for “the premises” substitute “such premises”.
- (13) In paragraph 12—
- (a) in sub-paragraph (a)(ii), after “fulfilled” insert “in relation to each set of premises specified in the application”;
 - (b) at the end add “or (as the case may be) all premises occupied or controlled by the person referred to in paragraph 2(a)(ii) or 3(a), including such sets of premises as are specified in the application (an “all premises warrant”)”.
- (14) After paragraph 12 insert—
- “12A The judge may not issue an all premises warrant unless he is satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question; and
 - (b) that it is not reasonably practicable to specify all the premises which he occupies or controls which might need to be searched.”
- (15) In paragraph 14(a), omit “to which the application relates”.

Commencement Information

II S. 113 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(n)

114 Search warrants: other amendments

- (1) PACE is amended as follows.
- (2) In section 8 (power to authorise entry and search of premises), after the subsection (1B) inserted by section 113(4) of this Act insert—
- “(1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which he issues the warrant.
- (1D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.”
- (3) Section 15 (search warrants—safeguards) is amended as provided in subsections (4) to (7).
- (4) In subsection (2)(a)—
- (a) omit “and” at the end of sub-paragraph (i),

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- (b) at the end of sub-paragraph (ii) insert “ and ”,
 - (c) after that sub-paragraph insert—
 - “(iii) if the application is for a warrant authorising entry and search on more than one occasion, the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;”.
- (5) In subsection (5), at the end add “ unless it specifies that it authorises multiple entries ”.
- (6) After subsection (5) insert—
- “(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.”
- (7) For subsection (7) substitute—
- “(7) Two copies shall be made of a specific premises warrant (see section 8(1A) (a) above) which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.”
- (8) In section 16 (execution of warrants)—
- (a) in subsection (3), for “one month” substitute “ three months ”,
 - (b) after the subsection (3A) inserted by section 113(9)(a) of this Act, insert—
 - “(3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless a police officer of at least the rank of inspector has in writing authorised that entry to those premises.”,
 - (c) for subsection (10) substitute—
 - “(10) A warrant shall be returned to the appropriate person mentioned in subsection (10A) below—
 - (a) when it has been executed; or
 - (b) in the case of a specific premises warrant which has not been executed, or an all premises warrant, or any warrant authorising multiple entries, upon the expiry of the period of three months referred to in subsection (3) above or sooner.
 - (10A) The appropriate person is—
 - (a) if the warrant was issued by a justice of the peace, the designated officer for the local justice area in which the justice was acting when he issued the warrant;
 - (b) if it was issued by a judge, the appropriate officer of the court from which he issued it.”
- (9) In Schedule 1 (special procedure), in paragraph 17, for “a Circuit judge” substitute “ a judge of the High Court, a Circuit judge, a Recorder ”.

Commencement Information

I2 S. 114(1)-(8) in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(n)

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