

## SCHEDULES

### SCHEDULE 2

Section 54

#### EXECUTION OF SEARCH AND SEIZURE WARRANTS

##### *Persons who may execute warrant*

- 1 (1) A search and seizure warrant may be executed by any police or customs officer.
- (2) A search and seizure warrant may authorise persons to accompany any police or customs officer who is executing it.
- (3) A person authorised under sub-paragraph (2) has the same powers as the police or customs officer whom he or she accompanies in respect of—
  - (a) the execution of the warrant;
  - (b) the seizure of anything to which the warrant relates.

But the person may exercise those powers only in the company, and under the supervision, of a police or customs officer.

##### *Warrant to be executed within 3 months*

- 2 Entry and search under a search and seizure warrant must be within 3 months from the date of its issue.

##### *All-premises warrants*

- 3 In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a senior officer has authorised them to be entered.

##### *Search of premises more than once*

- 4 Premises may be entered or searched for the second or any subsequent time under a search and seizure warrant authorising multiple entries only if a senior officer has authorised that entry to the premises.

##### *Time of search*

- 5 Entry and search under a search and seizure warrant must be at a reasonable hour unless it appears to the police or customs officer executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

##### *Evidence of authority etc*

- 6 (1) Where the occupier of premises to be entered and searched under a search and seizure warrant is present at the time when a police or customs officer seeks to execute the warrant, the police or customs officer—

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- (a) must identify himself or herself to the occupier and, if not a constable in uniform, must produce to the occupier documentary evidence that he or she is a police or customs officer;
  - (b) must produce the warrant to the occupier;
  - (c) must supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search and seizure warrant is not present at the time when a police or customs officer seeks to execute the warrant—
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;
  - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

#### *Extent of search*

- 7 A search under a search and seizure warrant may only be a search to the extent required for the purpose for which the warrant was issued.

#### *Inspection of substances*

- 8 Where a police or customs officer has power under section 55 to seize a substance from premises, the officer or a person authorised under paragraph 1(2) may inspect or test the substance on the premises with a view to establishing whether or not it is a substance that is suitable for use as a drug-cutting agent.

#### *Securing premises after entry*

- 9 A police or customs officer who enters premises under a search and seizure warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before he or she entered.

#### *Endorsement of warrant*

- 10 (1) A police or customs officer executing a search and seizure warrant must make an endorsement on it—
- (a) describing the substances, and any containers, that were seized, or
  - (b) stating that no substances were seized.
- (2) Unless the warrant specifies one set of premises only, there must be a separate endorsement under this paragraph identifying each set of premises entered and searched.

#### *Return and retention of warrant*

- 11 (1) A search and seizure warrant must be returned to the appropriate person (see sub-paragraph (2))—
- (a) when the warrant has been executed, or
  - (b) on or before the expiry of the period of 3 months from the date of its issue, if the warrant is—
    - (i) a specific-premises warrant that has not been executed,

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- (ii) an all-premises warrant, or
  - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;
  - (b) in the case of a warrant issued in Scotland, the sheriff clerk for the sheriff court in which the sheriff was sitting when the sheriff issued the warrant;
  - (c) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant.
- (3) The appropriate person must retain a search and seizure warrant returned under subparagraph (1) for 12 months from the date of its return.
- (4) If during that period the occupier of premises to which the search and seizure warrant relates asks to inspect it, he or she must be allowed to do so.

*Interpretation etc*

- 12 (1) In this Schedule—
- “all-premises warrant” and “specific-premises warrant” have the meaning given in section 52(3);
  - “senior officer” means—
    - (a) a police officer of at least the rank of inspector;
    - (b) a National Crime Agency officer of grade 3 or above.
- (2) An authorisation under paragraph 3 or 4 must be in writing.