

## SCHEDULES

### SCHEDULE 3

#### SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

#### PART 3

#### EXECUTION OF SEARCH WARRANTS

##### *Warrant to be executed within one month*

- 6 Entry and search under a search warrant must be within one month from the date of its issue.

##### *All-premises warrants*

- 7 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a relevant enforcement officer of the appropriate grade has authorised them to be entered.
- (2) An authorisation under sub-paragraph (1) must be in writing.
- (3) In this paragraph—
- “all-premises warrant” has the meaning given by section 39(3);
  - “relevant enforcement officer of the appropriate grade” means—
    - (a) a senior officer (see section 13(7)), or
    - (b) in the case of a search warrant issued on the application of an officer of a local authority, a person designated by the local authority for the purposes of this paragraph.

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

- 8 (1) Premises may be entered or searched for the second or any subsequent time under a search warrant authorising multiple entries only if a relevant enforcement officer of the appropriate grade has authorised that entry to the premises.
- (2) An authorisation under sub-paragraph (1) must be in writing.
- (3) In this paragraph “relevant enforcement officer of the appropriate grade” has the same meaning as in paragraph 7.

##### *Time of search*

- 9 Entry and search under a search warrant must be at a reasonable hour unless it appears to the relevant enforcement officer executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

*Evidence of authority etc*

- 10 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a relevant enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer's name;
  - (b) if not a constable in uniform, the officer must produce to the occupier documentary evidence that the officer is a relevant enforcement officer;
  - (c) the officer must produce the warrant to the occupier;
  - (d) the officer must supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a relevant enforcement 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*

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

*Securing premises after entry*

- 12 A relevant enforcement officer who enters premises under a search warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

*Return and retention of warrant*

- 13 (1) A search 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 one month from the date of its issue, if the warrant is—
    - (i) a specific-premises warrant that has not been executed,
    - (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 Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when issuing the warrant.
- (3) The appropriate person must retain a search warrant returned under sub-paragraph (1) for 12 months from the date of its return.

- (4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.
- (5) In this paragraph “specific-premises warrant” and “all-premises warrant” have the meaning given by section 39(3).