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**Changes to legislation:** Higher Education and Research Act 2017, Cross Heading: *Inspecting, copying, seizing and retaining items* is up to date with all changes known to be in force on or before 15 March 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. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 5

#### POWERS OF ENTRY AND SEARCH ETC

##### *Inspecting, copying, seizing and retaining items*

- 6 (1) The powers conferred by a search warrant to inspect, copy, seize and retain items found on premises include—
- (a) power to require a person on the premises who is holding or accountable for items that are on the premises to produce them,
  - (b) power to require a person on the premises to provide an explanation of an item or state where an item may be found,
  - (c) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away, and
  - (d) power to require a person on the premises to provide such other assistance as the authorised person may reasonably require.
- (2) Those powers also include—
- (a) power to check the operation of a computer or electronic storage device, and
  - (b) power to require a person within sub-paragraph (3) to provide the authorised person with such reasonable assistance as the authorised person may require for that purpose.
- (3) A person is within this sub-paragraph if the person is—
- (a) a person by whom or on whose behalf the computer or device is or has been used, or
  - (b) a person having charge of, or otherwise concerned with the operation of, the computer or device.
- (4) The power conferred by a search warrant to inspect, copy, seize and retain items does not include power to inspect, copy, seize or retain excluded items.
- (5) “Excluded items” means items that are—
- (a) items subject to legal privilege (as defined in section 10 of the Police and Criminal Evidence Act 1984);
  - (b) excluded material (as defined in section 11 of that Act);
  - (c) special procedure material (as defined in section 14 of that Act).
- (6) If an item is seized from premises in the exercise of powers conferred by a search warrant, the authorised person executing the warrant—
- (a) must make reasonable efforts to give a notice to a person who appears to be the occupier of the premises or otherwise to be in charge of the premises (an “affected person”), and
  - (b) if it is not reasonably practicable to do so, must leave a copy of the notice in a prominent place on the premises.

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- (7) A notice under sub-paragraph (6) must—
- (a) state what has been seized and the reason for its seizure, and
  - (b) specify which registration condition or funding condition the authorised person believes has been breached.
- (8) An authorised person exercising powers under a search warrant must—
- (a) make a record of items seized from premises in the exercise of the powers, and
  - (b) if a person who appears to the authorised person to be an affected person in relation to the premises asks for a copy of that record, provide a copy of that record to that person within a reasonable time.
- (9) An item which is seized in the exercise of powers under a search warrant may be retained as long as is necessary in all the circumstances, including for use as evidence on a prosecution for an offence.
- (10) An item may not be retained for use as evidence on a prosecution for an offence if a photograph or a copy would be sufficient for that purpose.
- (11) Nothing in this paragraph confers power to search a person.

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**Commencement Information**

**II** Sch. 5 para. 6 in force at 1.4.2018 by S.I. 2018/241, reg. 2(r)

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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):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)