



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

### CHAPTER 4

#### OTHER PROVISIONS

#### *Search for material relating to human remains*

- 55 Entry and search of premises for human remains or material relating to human remains**
- (1) On an application made by a constable, a justice of the peace may issue a warrant authorising a constable to enter and search premises if the justice of the peace is satisfied that the following conditions are met.
  - (2) The first condition is that there are reasonable grounds for believing that there is material on the premises mentioned in subsection (5) that consists of, or may relate to the location of, relevant human remains.
  - (3) The second condition is that there are reasonable grounds for believing that the material does not consist of or include—
    - (a) items subject to legal privilege,
    - (b) excluded material, or
    - (c) special procedure material.
  - (4) The third condition is that there are reasonable grounds for believing, in relation to each set of premises specified in the application—

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Search for material relating to human remains. (See end of Document for details)

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- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises,
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material,
  - (c) that entry to the premises will not be granted unless a warrant is produced, or
  - (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.
- (5) The premises referred to in subsection (2) 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”).
- (6) If the application is for an all premises warrant, the justice of the peace must also be 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 in order to find the material referred to in subsection (2), and
  - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.
- (7) 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 the justice of the peace issues the warrant.
- (8) If the warrant authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.
- (9) A constable may—
- (a) seize and retain anything for which a search has been authorised under subsection (1), and
  - (b) if necessary, use reasonable force in the exercise of a power conferred by a warrant issued under this section.
- (10) The power to issue a warrant conferred by this section is in addition to any such power otherwise conferred.
- (11) In this section, section 56 and Schedule 6 “relevant human remains” means the body or any other human remains of—
- (a) a person who the constable making the application reasonably believes to have died in England and Wales but whose death has not been registered under section 15 of the Births and Deaths Registration Act 1953,
  - (b) a person whose death has been registered under that Act following an investigation under section 1(5) of the Coroners and Justice Act 2009, or
  - (c) a person in respect of whom a declaration has been made under section 2 of the Presumption of Death Act 2013.

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- (12) In this section, section 56 and Schedule 6 the following expressions have the same meaning as in the Police and Criminal Evidence Act 1984—
- (a) “items subject to legal privilege” (see section 10 of that Act);
  - (b) “excluded material” (see section 11 of that Act);
  - (c) “special procedure material” (see section 14 of that Act);
  - (d) “premises” (see section 23 of that Act).

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**Commencement Information**

- I1** S. 55 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I2** S. 55 in force at 28.6.2022 by [S.I. 2022/520, reg. 5\(g\)](#)

**56 Special procedure for access to material relating to human remains**

- (1) Schedule 6 makes provision for a constable to obtain access to excluded material or special procedure material that consists of, or relates to the location of, relevant human remains.
- (2) Section 4 of the Summary Jurisdiction (Process) Act 1881 (which includes provision for the execution of process of English and Welsh courts in Scotland) and section 29 of the Petty Sessions (Ireland) Act 1851 (which makes equivalent provision for execution in Northern Ireland) apply to any process issued by a judge under Schedule 6 to this Act as they apply to process issued by a magistrates’ court under the Magistrates’ Courts Act 1980.

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**Commencement Information**

- I3** S. 56 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I4** S. 56(1) in force at 28.6.2022 by [S.I. 2022/520, reg. 5\(g\)](#)  
**I5** S. 56(2) in force at 28.6.2022 by [S.I. 2022/520, reg. 5\(h\)](#)

**57 Additional seizure powers**

In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), at the end insert—

*“Police, Crime, Sentencing and Courts Act 2022*

73U Each of the powers of seizure conferred by section 55(9)(a) of, and paragraph 11(a) of Schedule 6 to, the Police, Crime, Sentencing and Courts Act 2022 (seizure in connection with human remains or material relating to human remains).”

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**Commencement Information**

- I6** S. 57 not in force at Royal Assent, see [s. 208\(1\)](#)  
**I7** S. 57 in force at 28.6.2022 by [S.I. 2022/520, reg. 5\(h\)](#)

**Changes to legislation:**

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