

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 56

SPECIAL PROCEDURE FOR ACCESS TO MATERIAL RELATING TO HUMAN REMAINS

Making of orders by judge

- 1 (1) On an application made by a constable, a judge may make an order under paragraph 2 if the judge is satisfied that the following conditions are met.
- (2) The first condition is that there are reasonable grounds for believing that material that consists of, or may relate to the location of, relevant human remains—
- (a) is in the possession or control of a person specified in the application, or
 - (b) is on premises occupied or controlled by a person specified in the application.
- (3) The second condition is that there are reasonable grounds for believing that the material consists of or includes excluded material or special procedure material.
- (4) The third condition is that there are reasonable grounds for believing that the material does not consist of or include items subject to legal privilege.
- (5) The fourth condition is that other methods of obtaining the material—
- (a) have been tried without success, or
 - (b) have not been tried because it appeared that they were bound to fail.
- (6) The fifth condition is that it is in the public interest, having regard—
- (a) to the need to ensure that human remains are located and disposed of in a lawful manner, and
 - (b) to the circumstances under which the person in possession of the material holds it,
- that the material should be produced or access to it should be given.

Commencement Information

- I1** Sch. 6 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [Sch. 6 para. 1](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 2 (1) An order under this paragraph is an order that, before the end of the relevant period, the person specified in the application must—
- (a) produce the material to a constable for the constable to take it away, or
 - (b) give a constable access to it.
- (2) In sub-paragraph (1) “the relevant period” means 7 days from the date of the order or such longer period as the order may specify.

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- I3** Sch. 6 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)
I4 [Sch. 6 para. 2](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 3 Where the material consists of information stored in any electronic form—
- (a) an order under paragraph [2\(1\)\(a\)](#) has effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible or legible form, and
 - (b) an order under paragraph [2\(1\)\(b\)](#) has effect as an order to give a constable access to the material in a form in which it is visible and legible.

Commencement Information

- I5** Sch. 6 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I6 [Sch. 6 para. 3](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 4 For the purposes of sections 21 and 22 of the Police and Criminal Evidence Act 1984, material produced in pursuance of an order under paragraph [2\(1\)\(a\)](#) is to be treated as if it were material seized by a constable.

Commencement Information

- I7** Sch. 6 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)
I8 [Sch. 6 para. 4](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Commencement Information

- I1** Sch. 6 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)
I2 [Sch. 6 para. 1](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I3 Sch. 6 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)
I4 [Sch. 6 para. 2](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I5 Sch. 6 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I6 [Sch. 6 para. 3](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I7 Sch. 6 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)
I8 [Sch. 6 para. 4](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Notices of applications for orders

- 5 (1) An application for an order under paragraph [2](#) that relates to material that consists of or includes journalistic material is to be made inter partes.
- (2) Notice of an application for an order under paragraph [2](#) that relates to such material may be served on a person—
- (a) by delivering it to the person,
 - (b) by leaving it at the person's proper address, or
 - (c) by sending it by post to the person in a registered letter or by a recorded delivery service.

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- (3) Notice of an application for an order under paragraph 2 that relates to such material may be served—
- (a) on a body corporate, by serving it on the body's secretary or clerk or other similar officer;
 - (b) on a partnership, by serving it on one of the partners.
- (4) For the purposes of sub-paragraph (2), and of section 7 of the Interpretation Act 1978 in its application to that sub-paragraph, the proper address of a person—
- (a) in the case of a secretary or clerk or other similar officer of a body corporate, is that of the registered or principal office of that body;
 - (b) in the case of a partner of a firm is that of the principal office of the firm;
 - (c) in any other case is the last known address of the person to be served.

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I9 Sch. 6 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)

I10 [Sch. 6 para. 5](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 6 (1) Where notice of an application for an order under paragraph 2 has been served on a person, the person must not conceal, destroy, alter or dispose of the material to which the application relates until sub-paragraph (2) applies except—
- (a) with the leave of a judge, or
 - (b) with the written permission of a constable.
- (2) This paragraph applies when—
- (a) the application is dismissed or abandoned, or
 - (b) the person has complied with an order under paragraph 2 made on the application.

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I11 Sch. 6 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

I12 [Sch. 6 para. 6](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

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I9 Sch. 6 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)

I10 [Sch. 6 para. 5](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

I11 Sch. 6 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

I12 [Sch. 6 para. 6](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Failure to comply with order

- 7 (1) If a person fails to comply with an order under paragraph 2, a judge may deal with the person as if the person had committed a contempt of the Crown Court.
- (2) Any enactment relating to contempt of the Crown Court has effect in relation to such a failure as if it were such a contempt.

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- I13** Sch. 6 para. 7 not in force at Royal Assent, see [s. 208\(1\)](#)
I14 [Sch. 6 para. 7](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Issue of warrants by judge

- 8 (1) On an application made by a constable, a judge may issue a warrant authorising a constable to enter and search premises if the judge is satisfied that the conditions in this paragraph are met.
- (2) The first condition is that there are reasonable grounds for believing that there is material on the premises mentioned in sub-paragraph (5) below that consists of, or may relate to the location of, relevant human remains.
- (3) The second condition is that each of the conditions set out in paragraph 1(3) to (6) is met in relation to the material.
- (4) The third condition is that there are reasonable grounds for believing, in relation to each set of premises specified in the application—
- (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 the material on the premises contains information which—
 - (i) is subject to a restriction on disclosure or an obligation of secrecy contained in any enactment, including an enactment contained in an Act passed after this Act, and
 - (ii) is likely to be disclosed in breach of it if a warrant is not issued, or
 - (d) that service of notice of an application for an order under paragraph 2 may seriously prejudice the purpose of the search.
- (5) The premises referred to in sub-paragraph (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”).

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- I15** Sch. 6 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)
I16 [Sch. 6 para. 8](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 9 If the application is for an all premises warrant, the judge 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, as well as those which are, in order to find the material in question, and

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- (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.

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- I17** Sch. 6 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)
I18 [Sch. 6 para. 9](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 10 (1) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the judge is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the judge issues the warrant.
- (2) If the warrant authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.

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- I19** Sch. 6 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)
I20 [Sch. 6 para. 10](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 11 A constable may—
- (a) seize and retain anything for which a search has been authorised under paragraph 8, and
- (b) if necessary, use reasonable force in the exercise of a power conferred by a warrant issued under that paragraph.

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- I21** Sch. 6 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)
I22 [Sch. 6 para. 11](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

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- I15** Sch. 6 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)
I16 [Sch. 6 para. 8](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I17 Sch. 6 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)
I18 [Sch. 6 para. 9](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I19 Sch. 6 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)
I20 [Sch. 6 para. 10](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)
I21 Sch. 6 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)
I22 [Sch. 6 para. 11](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Procedural rules

- 12 Criminal Procedure Rules may make provision about proceedings under this Schedule, other than proceedings for an order under paragraph 2 that relates to material that consists of or includes journalistic material.

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- I23** Sch. 6 para. 12 not in force at Royal Assent, see [s. 208\(1\)](#)
I24 [Sch. 6 para. 12](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Costs

- 13 The costs of any application under this Schedule and of anything done or to be done in pursuance of an order made under it shall be in the discretion of the judge.

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- I25** Sch. 6 para. 13 not in force at Royal Assent, see [s. 208\(1\)](#)
I26 [Sch. 6 para. 13](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Interpretation

- 14 In this Schedule—
“journalistic material” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 13 of that Act);
“judge” means a Circuit judge, a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) or a District Judge (Magistrates’ Courts).

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- I27** Sch. 6 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)
I28 [Sch. 6 para. 14](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

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