

SCHEDULE

EVIDENCE AND INFORMATION

2.—(1) If in the case of the Bailiwick of Guernsey or the Bailiwick of Jersey the Bailiff is satisfied by information on oath:

- (a) That there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs or an offence under any provision of law with respect to similar matters that is for the time being in force in the Bailiwick in question has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified; or
- (b) that any documents which ought to have been produced under paragraph 1 above and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or as the case may be, the vehicle, ship or aircraft.

(2) A police officer or other person authorised by a warrant under sub-paragraph (1) above who has entered any premises or any vehicle, ship or aircraft may do any or all of the following things:

- (a) inspect and search those premises or any vehicle, ship or aircraft for any material which he has reasonable grounds to believe may be evidence in relation to an offence referred to in sub-paragraph (1) above;
- (b) seize anything on the premises or on any vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in sub-paragraph (1) above;
- (c) seize anything on the premises or on any vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1 above; or
- (d) seize anything that it is necessary to seize in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) above which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) above may:

- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in sub-paragraph (1) above; and
- (b) seize anything he finds in a search referred to in paragraph (a) above, if he has reasonable grounds for believing that it is evidence of an offence referred to in sub-paragraph (1) above.

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

(5) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

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(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

(7) In the application of this paragraph to the Islands of Alderney and Sark, any reference to the Bailiff includes a reference, in the case of Alderney, to the Chairman of the Court of Alderney and, in the case of Sark, to the Seneschal.