

## SCHEDULE 3

### Powers of authorised persons

#### Search warrants

2.—(1) A justice of the peace in England and Wales, a lay magistrate in Northern Ireland, or a sheriff, stipendiary magistrate or justice of the peace in Scotland may issue a warrant permitting an authorised person to enter any premises if necessary by reasonable force for the purposes of the enforcement of these Regulations, if satisfied that the authorised person has reasonable grounds for requiring entry and any of the conditions set out in sub-paragraph (2) are satisfied.

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) admission has been refused, or a refusal is expected, and (in either case) that notice to apply for a warrant has been given to the occupier;
- (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) Where an authorised person applies for a warrant under sub-paragraph (1), he or she must state—

- (a) the grounds upon which the application is made;
- (b) that the warrant would be issued under this Schedule; and
- (c) what is being sought.

(4) An application for a warrant under sub-paragraph (1) must be supported by an information in writing, in England and Wales; on sworn complaint in writing in Northern Ireland; or by evidence on oath in Scotland.

(5) An application for a warrant under sub-paragraph (1), where the condition satisfied is set out in sub-paragraph (2)(a), must be made on notice, and where the condition satisfied is set out in sub-paragraph(2)(b), (c) or (d), must be made without notice.

(6) The authorised person shall answer on oath any question that the justice of the peace, lay magistrate, sheriff or stipendiary magistrate hearing the application asks him or her.

(7) A warrant shall authorise entry on one occasion only.

(8) A warrant shall specify—

- (a) the name of the person who applies for it;
- (b) the date on which it is issued;
- (c) that it is issued under this Schedule; and
- (d) the address of the premises to be entered and searched;

and shall identify, so far as is practicable, what is to be sought.

(9) The court shall provide two copies of the warrant certified as such.