



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 7

MISCELLANEOUS AND GENERAL

Stalking

112 Power of entry in relation to stalking

After section 2A of the Protection from Harassment Act 1997 (for which see section 111) insert—

“2B Power of entry in relation to offence of stalking

- (1) A justice of the peace may, on an application by a constable, issue a warrant authorising a constable to enter and search premises if the justice of the peace is satisfied that there are reasonable grounds for believing that—
- (a) an offence under section 2A has been, or is being, committed,
 - (b) there is material on the premises which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence,
 - (c) the material—
 - (i) is likely to be admissible in evidence at a trial for the offence, and
 - (ii) does not consist of, or include, items subject to legal privilege, excluded material or special procedure material (within the meanings given by sections 10, 11 and 14 of the Police and Criminal Evidence Act 1984), and
 - (d) either—
 - (i) entry to the premises will not be granted unless a warrant is produced, or

Status: This is the original version (as it was originally enacted).

- (ii) the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.
- (2) A constable may seize and retain anything for which a search has been authorised under subsection (1).
- (3) A constable may use reasonable force, if necessary, in the exercise of any power conferred by virtue of this section.
- (4) In this section “premises” has the same meaning as in section 23 of the Police and Criminal Evidence Act 1984.”