



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART II

POWERS OF ENTRY, SEARCH AND SEIZURE

Entry and search without search warrant

17 Entry for purpose of arrest etc.

- (1) Subject to the following provisions of this section, and without prejudice to any other enactment, a constable may enter and search any premises for the purpose—
- (a) of executing—
 - (i) a warrant of arrest issued in connection with or arising out of criminal proceedings; or
 - (ii) a warrant of commitment issued under section 76 of the ^{M1}Magistrates' Courts Act 1980;
 - (b) of arresting a person for an arrestable offence;
 - (c) of arresting a person for an offence under—
 - (i) section 1 (prohibition of uniforms in connection with political objects), . . . ^{F1} of the ^{M2}Public Order Act 1936;
 - (ii) any enactment contained in sections 6 to 8 or 10 of the ^{M3}Criminal Law Act 1977 (offences relating to entering and remaining on property);
 - ^{F2}(iii) section 4 of the Public Order Act 1986 (fear or provocation of violence);]
 - ^{F3}(iiia) section 163 of the Road Traffic Act 1988 (c. 52) (failure to stop when required to do so by a constable in uniform);]
 - ^{F4}(iv) section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);]
- ^{F5}(ca) of arresting, in pursuance of section 32(1A) of the Children and Young Persons Act 1969, any child or young person who has been remanded or committed to local authority accommodation under section 23(1) of that Act;

Status: Point in time view as at 24/03/2003. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 17 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (cb) of recapturing any person who is, or is deemed for any purpose to be, unlawfully at large while liable to be detained—
 - (i) in a prison, remand centre, young offender institution or secure training centre, or
 - (ii) in pursuance of [^{F6}section 92 of the Powers of Criminal Courts (Sentencing) Act 2000] (dealing with children and young persons guilty of grave crimes), in any other place;]
 - (d) of recapturing [^{F7}any person whatever] who is unlawfully at large and whom he is pursuing; or
 - (e) of saving life or limb or preventing serious damage to property.
- (2) Except for the purpose specified in paragraph (e) of subsection (1) above, the powers of entry and search conferred by this section—
- (a) are only exercisable if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises; and
 - (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—
 - (i) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other such dwelling; and
 - (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.
- (3) The powers of entry and search conferred by this section are only exercisable for the purposes specified in subsection (1)(c)(ii) [^{F8}or (iv)] above by a constable in uniform.
- (4) The power of search conferred by this section is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.
- (5) Subject to subsection 6 below, all the rules of common law under which a constable has power to enter premises without a warrant are hereby abolished.
- (6) Nothing in subsection (5) above affects any power of entry to deal with or prevent a breach of the peace.

Textual Amendments

- F1** Words repealed by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2)(3), Sch. 2 para. 7, **Sch. 3**
- F2** S.17(1)(c)(iii) inserted by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2), **Sch. 2 para. 7**
- F3** S. 17(1)(c)(iiia) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 49(2) (with s. 49(3)); S.I. 2002/2306, **art. 2(d)(iv)**
- F4** S. 17(1)(c)(iv) inserted (24.8.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 53(a)**; S.I. 1995/1957, **art. 3**
- F5** S. 17(1)(ca)(cb) inserted (5.9.1995) by 1995 c. 16, s. 2(1); S.I. 1995/2021, **art. 2**
- F6** Words in s. 17(1)(cb) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 95**
- F7** Words in s. 17(1)(d) substituted (5.9.1995) by 1995 c. 16, s. 2(1); S.I. 1995/2021, **art. 2**
- F8** Words in s. 17(3) inserted (24.8.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 53(b)**; S.I. 1995/1957, **art. 3**

Modifications etc. (not altering text)

- C1** S. 17 extended (2.12.2002) Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 1 para. 8**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

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C2 Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18–20, 21, 22(1)–(4), 28, 29, 30(1)–(4)(a)(5)–(11), 31, 32(1)–(9), 34(1)–(5), 35, 36, 37, 39, 40–44, 50, 51(d), 52, 54, 55, 64(1)–(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3–11, Schs. 1, 2

Marginal Citations

M1 1980 c. 43.

M2 1936 c. 6.

M3 1977 c. 45.

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