

## SCHEDULES

### SCHEDULE 5

#### POWERS OF ENTRY, SEARCH, SEIZURE AND RETENTION

##### *Search for compliance purposes*

- 8 (1) A constable may apply for the issue of a warrant under this paragraph for the purpose of determining whether an individual in respect of whom a TPIM notice is in force is complying with measures specified in the notice.
- (2) A warrant under this paragraph may authorise a constable to do either or both of the following—
- (a) to search the individual;
  - (b) to enter and search the individual’s place of residence or any other premises that are specified in the warrant.
- (3) An application for a warrant under this paragraph must be made to the appropriate judicial authority.
- (4) The appropriate judicial authority may, on such an application, grant the warrant only if satisfied that the warrant is necessary for the purpose mentioned in subparagraph (1).
- (5) A constable may seize anything that the constable finds in the course of a search carried out under a power conferred by a warrant issued under this paragraph—
- (a) for the purpose of ascertaining whether any measure specified in the TPIM notice has been, is being, or is about to be, contravened by the individual;
  - (b) for the purpose of securing compliance by the individual with measures specified in the TPIM notice;
  - (c) if the constable has reasonable grounds for suspecting that—
    - (i) the thing is or contains evidence in relation to an offence, and
    - (ii) it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (6) In this paragraph “appropriate judicial authority”, in relation to a warrant, means—
- (a) a justice of the peace, if the application for the warrant is made in England or Wales;
  - (b) the sheriff, if the application is made in Scotland;
  - (c) a lay magistrate, if the application is made in Northern Ireland.