

Status: Point in time view as at 06/06/2022.

Changes to legislation: There are currently no known outstanding effects for the Ivory Act 2018, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2

SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

PART 3

EXECUTION OF SEARCH WARRANTS

Warrant to be executed within one month

- 7 Entry and search under a search warrant must be within the period of one month starting with the date of its issue.

Commencement Information

I1 Sch. 2 para. 7 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

All-premises warrants

- 8 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a senior officer has authorised them to be entered.
- (2) An authorisation under sub-paragraph (1) must be in writing.

Commencement Information

I2 Sch. 2 para. 8 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Search of premises more than once

- 9 (1) Premises may be entered or searched for the second or a subsequent time under a search warrant authorising multiple entries only if a senior officer has authorised that entry to the premises.
- (2) An authorisation under sub-paragraph (1) must be in writing.

Commencement Information

I3 Sch. 2 para. 9 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

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Time of search

- 10 Entry and search under a search warrant must be at a reasonable hour unless it appears to the officer executing it that the purpose of a search may be frustrated or seriously prejudiced on an entry at a reasonable hour.

Commencement Information

I4 Sch. 2 para. 10 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Evidence of authority etc

- 11 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a police or customs officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer's name;
 - (b) if not a constable in uniform, the officer must produce to the occupier documentary evidence that the officer is a police or customs officer;
 - (c) the officer must produce the warrant to the occupier and supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a police or customs officer seeks to execute the warrant—
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;
 - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

Commencement Information

I5 Sch. 2 para. 11 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Extent of search

- 12 A search under a search warrant may only be a search to the extent required for the purpose for which the warrant was issued.

Commencement Information

I6 Sch. 2 para. 12 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Securing premises after entry

- 13 A police or customs officer who enters premises under a search warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

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Commencement Information

I7 Sch. 2 para. 13 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Return and retention of warrant

- 14 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2))
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- (a) when the warrant has been executed, or
 - (b) on or before the expiry of the period of one month starting with the date of its issue, if the warrant is—
 - (i) a specific-premises warrant that has not been executed,
 - (ii) an all-premises warrant, or
 - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;
 - (b) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions.
- (3) The appropriate person must retain a search warrant returned under sub-paragraph (1) until the end of the period of 12 months starting with the date of its return.
- (4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.

Commencement Information

I8 Sch. 2 para. 14 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

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