



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART II **E+W**

POWERS OF ENTRY, SEARCH AND SEIZURE

Entry and search without search warrant

17 **Entry for purpose of arrest etc.** **E+W**

- (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 [^{F1}indictable] offence;
 - (c) of arresting a person for an offence under—
 - (i) section 1 (prohibition of uniforms in connection with political objects), . . . ^{F2} 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);
 - [^{F3}(iii) section 4 of the Public Order Act 1986 (fear or provocation of violence);]
 - [^{F4}(iiia) section 4 (driving etc. when under influence of drink or drugs) or 163 (failure to stop when required to do so by constable in uniform) of the Road Traffic Act 1988;
 - (iiib) section 27 of the Transport and Works Act 1992 (which relates to offences involving drink or drugs);]
 - [^{F5}(iv) section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);]

Status: Point in time view as at 02/09/2014.

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- [^{F6}(v) any of sections 4, 5, 6(1) and (2), 7 and 8(1) and (2) of the Animal Welfare Act 2006 (offences relating to the prevention of harm to animals);]
- [^{F7}(vi) section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (squatting in a residential building);]
- [^{F8}(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 [^{F9}to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] ;
- [^{F10}(caa) of arresting a person for an offence to which section 61 of the Animal Health Act 1981 applies;]
- (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 [^{F11}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 [^{F12}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) [^{F13}, (iv) or (vi)] 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** Word in s. 17(1)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 Pt. 3 para. 43\(4\)](#); [S.I. 2005/3495](#), [art. 2\(1\)\(m\)](#)

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- F2** Words repealed by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2)(3), Sch. 2 para. 7, **Sch. 3**
- F3** S.17(1)(c)(iii) inserted by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2), **Sch. 2 para. 7**
- F4** S. 17(1)(c)(iia)(iib) substituted for s. 17(1)(c)(iia) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 Pt. 4 para. 58(a)**; S.I. 2005/3495, **art. 2(1)(m)**
- F5** 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**
- F6** S. 17(1)(c)(v) inserted (27.3.2007 for W. and 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), **ss. 24, 68** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, **art. 2(2)(g)**; S.I. 2007/499, **art. 2(2)(g)**
- F7** S. 17(1)(c)(vi) inserted (1.9.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 144(8)(a)**, 151(1); S.I. 2012/1956, **art. 2**
- F8** S. 17(1)(ca)(cb) inserted (5.9.1995) by 1995 c. 16, **s. 2(1)**; S.I. 1995/2021, **art. 2**
- F9** Words in s. 17(1)(ca) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 21**; S.I. 2012/2906, **art. 2(j)** (with art. 7(2)(3))
- F10** S. 17(1)(caa) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 Pt. 4 para. 58(b)**; S.I. 2005/3495, **art. 2(1)(m)**
- F11** Words in s. 17(1)(cb) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 95**
- F12** Words in s. 17(1)(d) substituted (5.9.1995) by 1995 c. 16, **s. 2(1)**; S.I. 1995/2021, **art. 2**
- F13** Words in s. 17(3) substituted (1.9.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 144(8)(b)**, 151(1); S.I. 2012/1956, **art. 2**

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)**
- C2** S. 17 applied (2.9.2014) by The Control of Explosives Precursors Regulations 2014 (S.I. 2014/1942), regs. 1(1), **14**
- C3** S. 17(1)(a)(i) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C4** 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**
- C5** S. 17(1)(b) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C6** S. 17(1)(b) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C7** S. 17(1)(cb)(i) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C8** S. 17(1)(cb)(i) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C9** S. 17(1)(d) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C10** S. 17(1)(d) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C11** S. 17(2)(4) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)

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- C12** S. 17(2) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), [Sch. 1](#) (with arts. 4-11)
- C13** S. 17(4) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), [Sch. 1](#) (with arts. 4-11)

Marginal Citations

- M1** 1980 c. 43.
M2 1936 c. 6.
M3 1977 c. 45.

18 Entry and search after arrest. **E+W**

- (1) Subject to the following provisions of this section, a constable may enter and search any premises occupied or controlled by a person who is under arrest for an ^[F14]indictable offence, if he has reasonable grounds for suspecting that there is on the premises evidence, other than items subject to legal privilege, that relates—
 - (a) to that offence; or
 - (b) to some other ^[F14]indictable offence which is connected with or similar to that offence.
- (2) A constable may seize and retain anything for which he may search under subsection (1) above.
- (3) The power to search conferred by subsection (1) above is only a power to search to the extent that is reasonably required for the purpose of discovering such evidence.
- (4) Subject to subsection (5) below, the powers conferred by this section may not be exercised unless an officer of the rank of inspector or above has authorised them in writing.
- ^[F15](5) A constable may conduct a search under subsection (1)—
 - (a) before the person is taken to a police station or released on bail under section 30A, and
 - (b) without obtaining an authorisation under subsection (4),
 if the condition in subsection (5A) is satisfied.
- (5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.]
- (6) If a constable conducts a search by virtue of subsection (5) above, he shall inform an officer of the rank of inspector or above that he has made the search as soon as practicable after he has made it.
- (7) An officer who—
 - (a) authorises a search; or
 - (b) is informed of a search under subsection (6) above, shall make a record in writing—
 - (i) of the grounds for the search; and
 - (ii) of the nature of the evidence that was sought.

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- (8) If the person who was in occupation or control of the premises at the time of the search is in police detention at the time the record is to be made, the officer shall make the record as part of his custody record.

Textual Amendments

- F14** Words in s. 18(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 Pt. 3 para. 43\(5\)](#); S.I. 2005/3495, [art. 2\(1\)\(m\)](#)
- F15** S. 18(5)(5A) substituted for s. 18(5) (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 2](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

Modifications etc. (not altering text)

- C14** 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
- C15** S. 18 extended (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 2 para. 18\(a\)](#); S.I. 2002/2750, [art. 2\(a\)\(ii\)\(d\)](#)
- C16** S. 18 applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)–(4), [Sch. 1](#) (with arts. 4–11)
- C17** S. 18 applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)–(4), [Sch. 2](#) (with arts. 13–31)
- C18** S. 18 applied (2.9.2014) by [The Control of Explosives Precursors Regulations 2014 \(S.I. 2014/1942\)](#), regs. 1(1), [14](#)
- C19** S. 18(6) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 2 para. 18\(b\)](#); S.I. 2002/2750, [art. 2\(a\)\(ii\)\(d\)](#)

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