



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART II **E+W**

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### *Search warrants*

### 8 Power of justice of the peace to authorise entry and search of premises. **E+W**

- (1) If on an application made by a constable a justice of the peace is satisfied that there are reasonable grounds for believing—
- (a) that [<sup>F1</sup>an indictable offence] has been committed; and
  - (b) that there is material on premises [<sup>F2</sup>mentioned in subsection (1A) below] which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence; and
  - (c) that the material is likely to be relevant evidence; and
  - (d) that it does not consist of or include items subject to legal privilege, excluded material or special procedure material; and
  - (e) that any of the conditions specified in subsection (3) below applies,
- he may issue a warrant authorising a constable to enter and search the premises [<sup>F3</sup>in relation to each set of premises specified in the application] .

[<sup>F4</sup>(1A) The premises referred to in subsection (1)(b) above are—

- (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”); or
- (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).

(1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

- (a) that because of the particulars of the offence referred to in paragraph (a) of subsection (1) above, there are reasonable grounds for believing that it is

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necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in paragraph (b) of that subsection; and

- (b) that it is not reasonably practicable to specify in the application all the premises which he occupies or controls and which might need to be searched.]

[<sup>F5</sup>(1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which he issues the warrant.

(1D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.]

(2) A constable may seize and retain anything for which a search has been authorised under subsection (1) above.

(3) The conditions mentioned in subsection (1)(e) above are—

- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the evidence;
- (c) that entry to the premises will not be granted unless a warrant is produced;
- (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

(4) In this Act “relevant evidence”, in relation to an offence, means anything that would be admissible in evidence at a trial for the offence.

(5) The power to issue a warrant conferred by this section is in addition to any such power otherwise conferred.

[<sup>F6</sup>(6) This section applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to [<sup>F1</sup>an indictable offence] .

[ Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of

<sup>F7</sup>(7) English courts in Scotland) shall apply to a warrant issued on the application of an officer of Revenue and Customs under this section by virtue of section 114 below.]]

#### Textual Amendments

- F1** Words in s. 8 substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 Pt. 3 para. 43\(3\)](#); [S.I. 2005/3495](#), [art. 2\(1\)\(m\)](#)
- F2** Words in s. 8(1)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [113\(3\)\(a\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F3** Words in s. 8(1)(e) added (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [113\(3\)\(b\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F4** S. 8(1A)(1B) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [113\(4\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F5** S. 8(1C)(1D) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [114\(2\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F6** S. 8(6) inserted (14.2.2000) by [1999 c. 33](#), s. 169(1), [Sch. 14 para. 80\(2\)](#); [S.I. 2000/168](#), [art. 2](#), [Sch.](#)
- F7** S. 8(7) inserted (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [s. 86](#)

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#### Modifications etc. (not altering text)

- C1** 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
- C2** S. 8 extended (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990](#) (c. 5, SIF 39:1), [s. 7\(1\)](#); [S.I. 1991/1072](#), art. 2, [Sch. Pt. I](#)  
S. 8 amended (1.10.1996) by [1996 c. 49](#), [s. 7\(3\)\(a\)\(4\)](#); [S.I. 1996/2053](#), art. 2, [Sch. Pt. III](#)  
S. 8 extended (1.10.1997) by [1997 c. 43](#), ss. 18(3), 41, [Sch. 1 para. 10\(4\)](#); [S.I. 1997/2200](#), [art. 2\(g\)](#) (with art. 5)  
S. 8 extended (2.12.2002) by [Police Reform Act 2002](#) (c. 30), s. 38, [Sch. 4 Pt. 2 para. 16\(a\)](#); [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)
- C3** S. 8 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** S. 8 applied (2.9.2014) by [The Control of Explosives Precursors Regulations 2014](#) (S.I. 2014/1942), regs. 1(1), [14](#)
- C5** S. 8(1)–(6) 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)
- C6** S. 8(2) modified (1.4.2003) by [2001 c. 16](#), ss. 55, 68, Sch. 1 Pt. 3 para. 84 (with s. 57(3)); [S.I. 2003/708](#), [art. 2\(a\)\(c\)\(j\)](#)
- C7** S. 8(2) extended (2.12.2002) by [Police Reform act 2002](#) (c. 30), s. 38, {[Sch. 4 Pt. 2 para. 16\(c\)](#)}; [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)

## 9 Special provisions as to access. **E+W**

- (1) A constable may obtain access to excluded material or special procedure material for the purposes of a criminal investigation by making an application under Schedule 1 below and in accordance with that Schedule.
- (2) Any Act (including a local Act) passed before this Act under which a search of premises for the purposes of a criminal investigation could be authorised by the issue of a warrant to a constable shall cease to have effect so far as it relates to the authorisation of searches—
  - (a) for items subject to legal privilege; or
  - (b) for excluded material; or
  - (c) for special procedure material consisting of documents or records other than documents.

[<sup>F8</sup>(2A) Section 4 of the Summary Jurisdiction (Process) Act 1881 (c. 24) (which includes provision for the execution of process of English courts in Scotland) and section 29 of the Petty Sessions (Ireland) Act 1851 (c. 93) (which makes equivalent provision for execution in Northern Ireland) shall each apply to any process issued by a circuit judge under Schedule 1 to this Act as it applies to process issued by a magistrates' court under the Magistrates' Courts Act 1980 (c. 43).]

#### Textual Amendments

- F8** [S. 9\(2A\)](#) inserted (1.8.2001) by [2001 c. 16](#), [s. 86\(1\)](#); [S.I. 2001/2223](#), [art. 3\(e\)](#)

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#### **Modifications etc. (not altering text)**

- C8** 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
- C9** S. 9(1) extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 17(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C10** S. 9(1) 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. 9(1) 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)
- C12** S. 9(2) extended by Cinemas Act 1985 (c. 13, SIF 45A), s. **13(8)**

#### **10 Meaning of “items subject to legal privilege”. E+W**

- (1) Subject to subsection (2) below, in this Act “items subject to legal privilege” means—
- (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
  - (b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
  - (c) items enclosed with or referred to in such communications and made—
    - (i) in connection with the giving of legal advice; or
    - (ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,
 when they are in the possession of a person who is entitled to possession of them.
- (2) Items held with the intention of furthering a criminal purpose are not items subject to legal privilege.

#### **11 Meaning of “excluded material”. E+W**

- (1) Subject to the following provisions of this section, in this Act “excluded material” means—
- (a) personal records which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office and which he holds in confidence;
  - (b) human tissue or tissue fluid which has been taken for the purposes of diagnosis or medical treatment and which a person holds in confidence;
  - (c) journalistic material which a person holds in confidence and which consists—
    - (i) of documents; or
    - (ii) of records other than documents.
- (2) A person holds material other than journalistic material in confidence for the purposes of this section if he holds it subject—
- (a) to an express or implied undertaking to hold it in confidence; or

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- (b) to a restriction on disclosure or an obligation of secrecy contained in any enactment, including an enactment contained in an Act passed after this Act.
- (3) A person holds journalistic material in confidence for the purposes of this section if—
  - (a) he holds it subject to such an undertaking, restriction or obligation; and
  - (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.

## 12 Meaning of “personal records”. **E+W**

In this Part of this Act “personal records” means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating—

- (a) to his physical or mental health;
- (b) to spiritual counselling or assistance given or to be given to him; or
- (c) to counselling or assistance given or to be given to him, for the purposes of his personal welfare, by any voluntary organisation or by any individual who—
  - (i) by reason of his office or occupation has responsibilities for his personal welfare; or
  - (ii) by reason of an order of a court has responsibilities for his supervision.

## 13 Meaning of “journalistic material”. **E+W**

- (1) Subject to subsection (2) below, in this Act “journalistic material” means material acquired or created for the purposes of journalism.
- (2) Material is only journalistic material for the purposes of this Act if it is in the possession of a person who acquired or created it for the purposes of journalism.
- (3) A person who receives material from someone who intends that the recipient shall use it for the purposes of journalism is to be taken to have acquired it for those purposes.

## 14 Meaning of “special procedure material”. **E+W**

- (1) In this Act “special procedure material” means—
  - (a) material to which subsection (2) below applies; and
  - (b) journalistic material, other than excluded material.
- (2) Subject to the following provisions of this section, this subsection applies to material, other than items subject to legal privilege and excluded material, in the possession of a person who—
  - (a) acquired or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office; and
  - (b) holds it subject—
    - (i) to an express or implied undertaking to hold it in confidence; or
    - (ii) to a restriction or obligation such as is mentioned in section 11(2)(b) above.
- (3) Where material is acquired—

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- (a) by an employee from his employer and in the course of his employment; or
  - (b) by a company from an associated company,
- it is only special procedure material if it was special procedure material immediately before the acquisition.
- (4) Where material is created by an employee in the course of his employment, it is only special procedure material if it would have been special procedure material had his employer created it.
  - (5) Where material is created by a company on behalf of an associated company, it is only special procedure material if it would have been special procedure material had the associated company created it.
  - (6) A company is to be treated as another's associated company for the purposes of this section if it would be so treated under [<sup>F9</sup>section 449 of the Corporation Tax Act 2010].

#### Textual Amendments

**F9** Words in s. 14(6) substituted (1.4.2010 with effect as mentioned in s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), ss. 1177, 1184(1), **Sch. 1 para. 193** (with Sch. 2)

## 15 Search warrants—safeguards. **E+W**

- (1) This section and section 16 below have effect in relation to the issue to constables under any enactment, including an enactment contained in an Act passed after this Act, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless it complies with this section and section 16 below.
  - (2) Where a constable applies for any such warrant, it shall be his duty—
    - (a) to state—
      - (i) the ground on which he makes the application; <sup>F10</sup> . . .
      - (ii) the enactment under which the warrant would be issued; [<sup>F11</sup>and]
      - [<sup>F12</sup>(iii) if the application is for a warrant authorising entry and search on more than one occasion, the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;]
    - [<sup>F13</sup>(b) to specify the matters set out in subsection (2A) below; and]
    - (c) to identify, so far as is practicable, the articles or persons to be sought.
- [<sup>F14</sup>(2A) The matters which must be specified pursuant to subsection (2)(b) above are—
- [<sup>F15</sup>(a) if the application relates to one or more sets of premises specified in the application, each set of premises which it is desired to enter and search;]
  - (b) [<sup>F16</sup>if the application relates to any premises occupied or controlled by a person specified in the application—]
    - (i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;
    - (ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;
    - (iii) why it is necessary to search more premises than those specified under sub-paragraph (i); and



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- (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.]
- (3) An application for such a warrant shall be made ex parte and supported by an information in writing.
- (4) The constable shall answer on oath any question that the justice of the peace or judge hearing the application asks him.
- (5) A warrant shall authorise an entry on one occasion only [<sup>F17</sup>unless it specifies that it authorises multiple entries].
- [<sup>F18</sup>(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.]
- (6) A warrant—
- (a) shall specify—
- (i) the name of the person who applies for it;
- (ii) the date on which it is issued;
- (iii) the enactment under which it is issued; and
- [<sup>F19</sup>(iv) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under his occupation or control which can be specified and which are to be searched; and]
- (b) shall identify, so far as is practicable, the articles or persons to be sought.
- [<sup>F20</sup>(7) Two copies shall be made of a [<sup>F21</sup>warrant] which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.]
- (8) The copies shall be clearly certified as copies.

#### Textual Amendments

- F10** Word in s. 15(2)(a)(i) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 114(4)(a), 174(2), 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(n)(t)(u)(xxiv)**
- F11** Word in s. 15(2)(a)(ii) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 114(4)(b), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F12** S. 15(2)(a)(iii) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 114(4)(c), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F13** S. 15(2)(b) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 113(6), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F14** S. 15(2A) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 113(7), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F15** S. 15(2A)(a) substituted (1.1.2006) by The Serious Organised Crime and Police Act 2005 (Amendment) Order 2005 (S.I. 2005/3496), **art. 7(2)(a)**
- F16** Words in s. 15(2A)(b) substituted (1.1.2006) by The Serious Organised Crime and Police Act 2005 (Amendment) Order 2005 (S.I. 2005/3496), **art. 7(2)(b)**
- F17** Words in s. 15(5) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 114(5), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F18** S. 15(5A) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 114(6), 178; S.I. 2005/3495, **art. 2(1)(n)**
- F19** S. 15(6)(a)(iv) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 113(8); S.I. 2005/3495, **art. 2(1)(n)**

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- F20** S. 15(7) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 114(7), 178**; S.I. 2005/3495, **art. 2(1)(n)**
- F21** Words in s. 15(7) substituted (1.1.2006) by The Serious Organised Crime and Police Act 2005 (Amendment) Order 2005 (S.I. 2005/3496), **art. 7(3)**

**Modifications etc. (not altering text)**

- C13** S. 15(5)-(8) applied by S.I. 2010/906, reg. 33(7) (as inserted (1.7.2011) by The Credit Rating Agencies (Amendment) Regulations 2011 (S.I. 2011/1435), **regs. 1, 4(e)** (with reg. 5))
- 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. 15: power to apply (with modifications) conferred (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), {ss. 355(1)-(3)(a)}, 458; S.I. 2003/120, **art. 2, Sch.** (subject to transitional provisions and savings in **arts. 3-7** (as amended by S.I. 2003/333, **art. 14** which in turn is amended by S.I. 2003/531, **arts. 3, 4**))
- C16** S. 15 modified (2.12.2002) Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 16(d)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 15 modified (20.1.2004) by Police Reform Act 2002 (c. 30), ss. 38, 108, Sch. 4 para. 17(bb) (as inserted by Criminal Justice Act 2003 (c. 44), **Sch. 1 para. 17**); S.I. 2004/81, **art. 2(1)(2)(a)**  
S. 15 modified (27.3.2007 for W. and 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), ss. 53, 68, **Sch. 2 para. 1(1)** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, **art. 2(1)(g)**; S.I. 2007/499, **art. 2(2)(i)**  
S. 15 modified (21.8.2007) by The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (S.I. 2007/1842), **reg. 53(6)** (with reg. 3)
- C17** S. 15 applied (with modifications) (24.2.2003) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence (Northern Ireland) Order 1989) Order 2003 (S.I. 2003/174), **arts. 2, 10, Sch. 1**
- C18** S. 15 applied (25.7.2003) by The Advanced Television Services Regulations 2003 (S.I. 2003/1901), **reg. 8, Sch. para. 12**
- C19** S. 15 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)
- C20** S. 15 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)
- C21** S. 15(5)-(8) applied (7.6.2010) by The Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 18(5)**
- C22** S. 15(5)-(8) applied (3.9.2001) by 2000 c. 8, **s. 176(6)**; S.I. 2001/2632, **art. 2, Sch. 1 Pt. 2**
- C23** S. 15(5)-(8) applied (31.12.2009) by Banking Act 2009 (c. 1), **ss. 194(7), 263(1)** (with ss. 206, 247); S.I. 2009/3000, **art. 4, Sch. para. 2**
- C24** S. 15(5)-(8) applied by 2000 c. 8, **s. 131FB(7)** (as inserted (1.11.2012) by The Financial Services and Markets Act 2000 (Short Selling) Regulations 2012 (S.I. 2012/2554), **regs. 1(1), 2(5)**)
- C25** S. 15(5)-(8) applied (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), **regs. 1(2), 17(10)** (with regs. 52-58)
- C26** S. 15(5)-(8) applied (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 88(9), 148(5)**; S.I. 2014/377, **art. 2(1)(a), Sch. Pt. 1**
- C27** S. 15(5)-(8) applied by 2009 c. 1, **s. 83ZL(9)** (as inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), **arts. 1(2), 97**)

**16 Execution of warrants. E+W**

- (1) A warrant to enter and search premises may be executed by any constable.



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- (2) Such a warrant may authorise persons to accompany any constable who is executing it.
- [<sup>F22</sup>(2A) A person so authorised has the same powers as the constable whom he accompanies in respect of—
- (a) the execution of the warrant, and
  - (b) the seizure of anything to which the warrant relates.
- (2B) But he may exercise those powers only in the company, and under the supervision, of a constable.]
- (3) Entry and search under a warrant must be within [<sup>F23</sup>three months] from the date of its issue.
- [<sup>F24</sup>(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless a police officer of at least the rank of inspector has in writing authorised them to be entered.]
- [<sup>F25</sup>(3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless a police officer of at least the rank of inspector has in writing authorised that entry to those premises.]
- (4) Entry and search under a warrant must be at a reasonable hour unless it appears to the constable executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.
- (5) Where the occupier of premises which are to be entered and searched is present at the time when a constable seeks to execute a warrant to enter and search them, the constable—
- (a) shall identify himself to the occupier and, if not in uniform, shall produce to him documentary evidence that he is a constable;
  - (b) shall produce the warrant to him; and
  - (c) shall supply him with a copy of it.
- (6) Where—
- (a) the occupier of such premises is not present at the time when a constable seeks to execute such a warrant; but
  - (b) some other person who appears to the constable to be in charge of the premises is present,
- subsection (5) above shall have effect as if any reference to the occupier were a reference to that other person.
- (7) If there is no person who appears to the constable to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.
- (8) A search under a warrant may only be a search to the extent required for the purpose for which the warrant was issued.
- (9) A constable executing a warrant shall make an endorsement on it stating—
- (a) whether the articles or persons sought were found; and
  - (b) whether any articles were seized, other than articles which were sought
- [<sup>F26</sup>and, unless the warrant is a <sup>F27</sup> . . . warrant specifying one set of premises only, he shall do so separately in respect of each set of premises entered and searched, which he shall in each case state in the endorsement.]

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- [<sup>F28</sup>(10) A warrant shall be returned to the appropriate person mentioned in subsection (10A) below—
- (a) when it has been executed; or
  - (b) in the case of a specific premises warrant which has not been executed, or an all premises warrant, or any warrant authorising multiple entries, upon the expiry of the period of three months referred to in subsection (3) above or sooner.
- (10A) The appropriate person is—
- (a) if the warrant was issued by a justice of the peace, the designated officer for the local justice area in which the justice was acting when he issued the warrant;
  - (b) if it was issued by a judge, the appropriate officer of the court from which he issued it.]
- (11) A warrant which is returned under subsection (10) above shall be retained for 12 months from its return—
- (a) by the [<sup>F29</sup>designated officer for the local justice area] , if it was returned under paragraph (i) of that subsection; and
  - (b) by the appropriate officer, if it was returned under paragraph (ii).
- (12) If during the period for which a warrant is to be retained the occupier of [<sup>F30</sup>premises] to which it relates asks to inspect it, he shall be allowed to do so.

#### Textual Amendments

- F22** S. 16(2A)(2B) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 2](#), 336; [S.I. 2004/81](#), [art. 2\(1\)\(2\)\(a\)](#)
- F23** Words in s. 16(3) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 114\(8\)\(a\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F24** S. 16(3A) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(9\)\(a\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F25** S. 16(3B) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 114\(8\)\(b\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F26** Words in s. 16(9) added (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(9\)\(b\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F27** Words in s. 16(9) omitted (1.1.2006) by virtue of [The Serious Organised Crime and Police Act 2005 \(Amendment\) Order 2005 \(S.I. 2005/3496\)](#), [art. 8](#)
- F28** S. 16(10)(10A) substituted for s. 16(10) (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 114\(8\)\(c\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F29** Words in s. 16(11) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 109\(1\)](#), 110, [Sch. 8 para. 281\(3\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F30** Words in s. 16(12) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(9\)\(c\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)

#### Modifications etc. (not altering text)

- C28** [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
- C29** S. 16 applied (3.9.2001) by [2000 c. 8](#), [s. 176\(6\)](#); [S.I. 2001/2632](#), [art. 2](#), [Sch. 1 Pt. 2](#)  
S. 16 applied (25.7.2003) by [The Advanced Television Services Regulations 2003 \(S.I. 2003/1901\)](#), [reg. 8](#), [Sch. para. 12](#)

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- C30** S. 16: power to apply (with modifications) conferred (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 355(1)(2)(3)(b)**, 458; S.I. 2003/120, **art. 2**, Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended by S.I. 2003/333, art. 14 which in turn is amended by S.I. 2003/531, arts. 3, 4))
- C31** S. 16 modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 16(e)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 16 modified (20.1.2004) by Police Reform Act 2002 (c. 30), ss. 38, 108, Sch. 4 para. 17(bc) (as inserted by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 17**); S.I. 2004/81, **art. 2(1)(2)(a)**  
S. 16 modified (27.3.2007 for W. and 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), ss. 53, 68, **Sch. 2 para. 1(1)** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, **art. 2(1)(g)**; S.I. 2007/499, **art. 2(2)(i)**  
S. 16 modified (21.8.2007) by The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (S.I. 2007/1842), **reg. 53(6)** (with reg. 3)
- C32** S. 16 applied (with modifications) (24.2.2003) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence (Northern Ireland) Order 1989) Order 2003 (S.I. 2003/174), arts. 3, 10, Sch. 1
- C33** S. 16 applied (31.12.2009) by Banking Act 2009 (c. 1), **ss. 194(7)**, 263(1) (with ss. 206, 247); S.I. 2009/3000, **art. 4**, Sch. para. 2
- C34** S. 16 applied (7.6.2010) by The Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 18(5)**
- C35** S. 16 applied by S.I. 2010/906, **reg. 33(7)** (as inserted (1.7.2011) by The Credit Rating Agencies (Amendment) Regulations 2011 (S.I. 2011/1435), regs. 1, **4(e)** (with reg. 5))
- C36** S. 16 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)
- C37** S. 16 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)
- C38** S. 16(3)-(12) applied by 2000 c. 8, s. 131FB(7) (as inserted (1.11.2012) by The Financial Services and Markets Act 2000 (Short Selling) Regulations 2012 (S.I. 2012/2554), regs. 1(1), **2(5)**)
- C39** S. 16(3)-(12) applied (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), regs. 1(2), **17(10)** (with regs. 52-58)
- C40** S. 16(3)-(12) applied (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 88(9)**, 148(5); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- C41** S. 16(3)-(12) applied by 2009 c. 1, **s. 83ZL(9)** (as inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **97**)

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