

*Status: Point in time view as at 18/06/2012.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Cross Heading: Issue of warrants by judge is up to date with all changes known to be in force on or before 21 June 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)*

## SCHEDULES

### SCHEDULE 1

#### SPECIAL PROCEDURE

##### 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](#)
- C1** Sch. 1 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](#)  
Sch. 1 extended (17.5.1996) by [S.I. 1996/1296](#), [art. 16\(1\)](#).  
Sch. 1: power to apply conferred (30.9.2003) by [2001 c. 19](#), [ss. 6\(2\), 39\(2\)](#) (with [s. 16\(7\)](#)); [S.I. 2003/2268](#), [art. 2](#)
- C1** Sch. 1 applied (with modifications) (2.12.2002) by [Police Reform Act 2002](#) (c. 30), [s. 38](#), [Sch. 4 para. 17\(a\)\(b\)](#); [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)  
Sch. 1 applied (with modifications) (14.10.2002) by [The Police and Criminal Evidence Act 1984](#) (Department of Trade and Industry Investigations) Order 2002 ([S.I. 2002/2326](#)), [arts. 3, 4](#)
- C1** Sch. 1 incorporated (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008](#) ([S.I. 2008/1261](#)), [art. 52](#)

#### *Issue of warrants by <sup>F1</sup>judge*

##### Textual Amendments

- F1** Sch. 1: words in cross-heading substituted (1.4.2005) by [Courts Act 2003](#) (c. 39), [ss. 65, 110](#), [Sch. 4 para. 6\(1\)](#); [S.I. 2005/910](#), [art. 3\(u\)](#)

- 12 If on an application made by a constable a <sup>F2</sup>judge—
- (a) is satisfied—
- (i) that either set of access conditions is fulfilled; and
- (ii) that any of the further conditions set out in paragraph 14 below is also fulfilled <sup>F3</sup>in relation to each set of premises specified in the application] ; or
- (b) is satisfied—
- (i) that the second set of access conditions is fulfilled; and
- (ii) that an order under paragraph 4 above relating to the material has not been complied with,
- he may issue a warrant authorising a constable to enter and search the premises <sup>F4</sup>or (as the case may be) all premises occupied or controlled by the person referred to in paragraph 2(a)(ii) or 3(a), including such sets of premises as are specified in the application (an “all premises warrant”) .

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#### Textual Amendments

- F2** Words in Sch. 1 para. 12 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), ss. 65, 110, Sch. 4 para. 6\(1\); S.I. 2005/910, art. 3\(u\)](#)
- F3** Words in Sch. 1 para. 12(a)(ii) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 113\(13\)\(a\), 178; S.I. 2005/3495, art. 2\(1\)\(n\)](#)
- F4** Words in Sch. 1 para. 12 inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 113\(13\)\(b\), 178; S.I. 2005/3495, art. 2\(1\)\(n\)](#)

- [<sup>F5</sup>12A The judge may not issue an all premises warrant unless he is satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question; and
  - (b) that it is not reasonably practicable to specify all the premises which he occupies or controls which might need to be searched.]

#### Textual Amendments

- F5** Sch. 1 para. 12A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 113\(14\), 178; S.I. 2005/3495, art. 2\(1\)\(n\)](#)

- 13 A constable may seize and retain anything for which a search has been authorised under paragraph 12 above.
- 14 The further conditions mentioned in paragraph 12 (a)(ii) above are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises <sup>F6</sup>. . . ;
  - (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 material;
  - (c) that the material contains information which—
    - (i) is subject to a restriction or obligation such as is mentioned in section 11(2)(b) above; and
    - (ii) is likely to be disclosed in breach of it if a warrant is not issued;
  - (d) that service of notice of an application for an order under paragraph 4 above may seriously prejudice the investigation.

#### Textual Amendments

- F6** Words in Sch. 1 para. 14(a) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 113\(15\), 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2\(1\)\(n\)\(t\)\(u\)\(xxiv\)](#)

- 15 (1) If a person fails to comply with an order under paragraph 4 above, a [<sup>F7</sup>judge] may deal with him as if he had committed a contempt of the Crown Court.
- (2) Any enactment relating to contempt of the Crown Court shall have effect in relation to such a failure as if it were such a contempt.

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**Textual Amendments**

**F7** Words in Sch. 1 para. 15 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 65, 110, [Sch. 4 para. 6\(1\)](#); [S.I. 2005/910](#), [art. 3\(u\)](#)

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