

*Status: Point in time view as at 18/06/2012.*

**Changes to legislation:** Police and Criminal Evidence Act 1984, Paragraph 2 is up to date with all changes known to be in force on or before 19 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](#)

##### *Making of orders 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\(u\)](#)

- 2 The first set of access conditions is fulfilled if—
- (a) there are reasonable grounds for believing—
- (i) that [<sup>F1</sup>an indictable offence] has been committed;
- (ii) that there is material which consists of special procedure material or includes special procedure material and does not also include excluded material on premises specified in the application [<sup>F2</sup>, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify);]
- (iii) that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation in connection with which the application is made; and
- (iv) that the material is likely to be relevant evidence;
- (b) other methods of obtaining the material—

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- (i) have been tried without success; or
  - (ii) have not been tried because it appeared that they were bound to fail; and
- (c) it is in the public interest, having regard—
- (i) to the benefit likely to accrue to the investigation if the material is obtained; and
  - (ii) to the circumstances under which the person in possession of the material holds it,
- that the material should be produced or that access to it should be given.

#### Textual Amendments

- F1** Words in Sch. 1 para. 2(a)(i) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 111, 178, Sch. 7 Pt. 3 para. 43\(13\)](#); S.I. 2005/3495, [art. 2\(1\)\(m\)](#)
- F2** Words in Sch. 1 para. 2(a)(ii) added (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 113\(11\), 178](#); S.I. 2005/3495, [art. 2\(1\)\(n\)](#)

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