



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART II

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### *Search warrants*

#### **16 Execution of warrants.**

- (1) A warrant to enter and search premises may be executed by any constable.
- (2) Such a warrant may authorise persons to accompany any constable who is executing it.
- [<sup>F1</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>F2</sup>three months] from the date of its issue.
- [<sup>F3</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>F4</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.

*Status: Point in time view as at 18/06/2012. This version of this provision has been superseded.*

**Changes to legislation:** Police and Criminal Evidence Act 1984, Section 16 is up to date with all changes known to be in force on or before 29 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)

- (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>F5</sup>and, unless the warrant is a <sup>F6</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.]
- [<sup>F7</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>F8</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>F9</sup>premises] to which it relates asks to inspect it, he shall be allowed to do so.

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### Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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**
- F7** 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)**
- F8** 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)**
- F9** 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)

- 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. 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**
- C3** 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**))
- C4** 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**)
- C5** 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
- C6** 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
- C7** S. 16 applied (7.6.2010) by The Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 18(5)**
- C8** 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**))

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