



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART II

POWERS OF ENTRY, SEARCH AND SEIZURE

Search warrants

8 Power of justice of the peace to authorise entry and search of premises.

- (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 a serious arrestable offence has been committed; and
 - (b) that there is material on premises specified in the application 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.
- (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;

Status: Point in time view as at 28/08/2000. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 8 is up to date with all changes known to be in force on or before 07 July 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)

- (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.
- [^{F1}(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 a serious arrestable offence.]

Textual Amendments

F1 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.

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(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)
- C4** 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)

Status:

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