



Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002

2002 CHAPTER 25

Amendment of the Trade Marks Act 1994

6 Search warrants

After section 92 of the Trade Marks Act 1994 (c. 26) insert—

“92A Search warrants

- (1) Where a justice of the peace (in Scotland, a sheriff or justice of the peace) is satisfied by information on oath given by a constable (in Scotland, by evidence on oath) that there are reasonable grounds for believing—
 - (a) that an offence under section 92 (unauthorised use of trade mark, etc. in relation to goods) has been or is about to be committed in any premises, and
 - (b) that evidence that such an offence has been or is about to be committed is in those premises,he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.
- (2) The power conferred by subsection (1) does not, in England and Wales, extend to authorising a search for material of the kinds mentioned in section 9(2) of the Police and Criminal Evidence Act 1984 (c. 60) (certain classes of personal or confidential material).
- (3) A warrant under subsection (1)—
 - (a) may authorise persons to accompany any constable executing the warrant, and
 - (b) remains in force for 28 days from the date of its issue.

Changes to legislation: There are currently no known outstanding effects for the Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002, Section 6. (See end of Document for details)

- (4) In executing a warrant issued under subsection (1) a constable may seize an article if he reasonably believes that it is evidence that any offence under section 92 has been or is about to be committed.
- (5) In this section “premises” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft.”.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002, Section 6.