

Status: Point in time view as at 01/09/2006.

Changes to legislation: Human Tissue Act 2004, Cross Heading: Execution of warrants is up to date with all changes known to be in force on or before 09 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)

SCHEDULES

SCHEDULE 5

POWERS OF INSPECTION, ENTRY, SEARCH AND SEIZURE

Execution of warrants

- 4 (1) Entry and search under a warrant under paragraph 3 is unlawful if any of sub-paragraphs (2) to (4) and (6) is not complied with.
- (2) Entry and search shall be at a reasonable time unless the person executing the warrant thinks that the purpose of the search may be frustrated on an entry at a reasonable time.
- (3) If the occupier of the premises to which the warrant relates is present when the person executing the warrant seeks to enter them, the person executing the warrant shall—
- (a) produce the warrant to the occupier, and
 - (b) give him—
 - (i) a copy of the warrant, and
 - (ii) an appropriate statement.
- (4) If the occupier of the premises to which the warrant relates is not present when the person executing the warrant seeks to enter them, but some other person is present who appears to the person executing the warrant to be in charge of the premises, the person executing the warrant shall—
- (a) produce the warrant to that other person,
 - (b) give him—
 - (i) a copy of the warrant, and
 - (ii) an appropriate statement, and
 - (c) leave a copy of the warrant in a prominent place on the premises.
- (5) In sub-paragraphs (3)(b)(ii) and (4)(b)(ii), the references to an appropriate statement are to a statement in writing containing such information relating to the powers of the person executing the warrant and the rights and obligations of the person to whom the statement is given as may be prescribed by regulations made by the Secretary of State.
- (6) If the premises to which the warrant relates are unoccupied, the person executing the warrant shall leave a copy of it in a prominent place on the premises.
- (7) Where the premises in relation to which a warrant under paragraph 3 is executed are unoccupied or the occupier is temporarily absent, the person executing the warrant shall, when leaving the premises, leave them as effectively secured as he found them.

Commencement Information

II Sch. 5 para. 4 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, art. 2(2)(j)

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- I2** Sch. 5 para. 4 in force at 1.3.2006 for specified purposes by S.I. 2006/404, art. 2(3)(4), **Sch.** (with arts. 4-6)
- I3** Sch. 5 para. 4 in force at 7.4.2006 for specified purposes by S.I. 2006/404, art. 3(3), **Sch.** (with arts. 4-6)
- I4** Sch. 5 para. 4 in force at 1.9.2006 in so far as not already in force by S.I. 2006/1997, **art. 3(2)** (with arts. 4, 7, 8)

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