

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Section 58: Power of entry and search of relevant offender's home address

299. **Section 58** amends the Sexual Offences Act 2003 by inserting new section 96B. Section 96B will enable a magistrate, on application from a senior police officer of the relevant force, to issue a warrant to allow a constable to enter and search the home of a relevant offender for the purposes of assessing the risks that the offender may pose to the community. A “relevant offender” is a person who for the time being is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (section 80(2) of that Act). A “senior police officer of the relevant force” is a constable of the rank of superintendent or above of the police force in whose area the premises are located (*subsection 10*). The warrant must be executed by a constable of the police force in whose area the premises are located.
300. *Subsection (2)* sets out the requirements that must be met before the warrant will be issued. These requirements set out that the address must be one that the offender has notified to the police as his home address or one in respect of which there is a reasonable belief that the offender can be regularly found there or resides there. The offender must not be in custody, detained in a hospital or outside the United Kingdom at the time. A constable must have tried on at least two previous occasions to gain entry to the premises for the purpose of conducting a risk assessment and been unable to gain entry for that purpose.
301. *Subsection (5)* requires that the warrant specifies each address to which it relates. *Subsection (6)* allows a constable to use reasonable force if it is necessary to do so to enter and search the premises. *Subsection (7)* states that the warrant can authorise as many visits as the magistrate considers to be necessary for the purposes of assessing the risks posed by the offender which, by virtue of *subsection (8)*, can be unlimited or limited to a maximum.