



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 3

MISCELLANEOUS

Sexual offences

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

(1) Before section 97 of the Sexual Offences Act 2003 insert—

“Entry and search of home address

96B Power of entry and search of relevant offender's home address

(1) If on an application made by a senior police officer of the relevant force a justice of the peace is satisfied that the requirements in subsection (2) are met in relation to any premises, he may issue a warrant authorising a constable of that force—

- (a) to enter the premises for the purpose of assessing the risks posed by the relevant offender to which the warrant relates; and
- (b) to search the premises for that purpose.

(2) The requirements are—

- (a) that the address of each set of premises specified in the application is an address falling within subsection (3);
- (b) that the relevant offender is not one to whom subsection (4) applies;
- (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a); and
- (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

Status: Point in time view as at 22/08/2007.

Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 58. (See end of Document for details)

- (3) An address falls within this subsection if—
- (a) it is the address which was last notified in accordance with this Part by a relevant offender to the police as his home address; or
 - (b) there are reasonable grounds to believe that a relevant offender resides there or may regularly be found there.
- (4) This subsection applies to a relevant offender if he is—
- (a) remanded in or committed to custody by order of a court;
 - (b) serving a sentence of imprisonment or a term of service detention;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (5) A warrant issued under this section must specify the one or more sets of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).
- (8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this section a reference to the relevant offender to whom the warrant relates is a reference to the relevant offender—
- (a) who has in accordance with this Part notified the police that the premises specified in the warrant are his home address; or
 - (b) in respect of whom there are reasonable grounds to believe that he resides there or may regularly be found there.
- (10) In this section—
- “the relevant force” means the police force maintained for the police area in which the premises in respect of which the application is made or the warrant is issued are situated;
- “senior police officer” means a constable of the rank of superintendent or above.”
- (2) In section 136 of that Act (application of Part 2 to Northern Ireland), after subsection (7) insert—
- “(7A) References to a justice of the peace are to be read as references to a lay magistrate.”

Commencement Information

II S. 58 in force at 31.5.2007 by S.I. 2007/858, art. 3(f)

Status:

Point in time view as at 22/08/2007.

Changes to legislation:

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