

*Status: Point in time view as at 27/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Animal Welfare Act 2006, Cross Heading: Safeguards etc. in connection with powers of entry conferred by warrant. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

##### *Safeguards etc. in connection with powers of entry conferred by warrant*

- 1 (1) Sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60) shall have effect in relation to the issue of a warrant under section 19(4) or 23(1) to an inspector as they have effect in relation to the issue of a warrant under that provision to a constable.
- (2) In their application in relation to the issue of a warrant under section 19(4) or 23(1), sections 15 and 16 of that Act shall have effect with the following modifications.
- (3) In section 15—
- (a) in subsection (2), omit the words from the end of paragraph (a)(ii) to the end of paragraph (b);
  - (b) omit subsections (2A) and (5A);
  - (c) in subsection (5), omit the words from “ unless ” to the end;
  - (d) in subsection (6)(a), omit the words from the end of sub-paragraph (iii) to the end of sub-paragraph (iv);
  - (e) in subsection (7), omit the words from “ (see ” to the end.
- (4) In section 16—
- (a) omit subsections (3A) and (3B);
  - (b) in subsection (9), omit the words after paragraph (b).

#### **Commencement Information**

**II** Sch. 2 para. 1 in force at 27.3.2007 for W. by S.I. 2007/1030, art. 2(1)(g)

- 2 (1) This paragraph and paragraph 3 have effect in relation to the issue to inspectors of warrants under section 28(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraph 3.
- (2) Where an inspector applies for a warrant, he shall—
- (a) state the ground on which he makes the application,
  - (b) state the enactment under which the warrant would be issued, and
  - (c) specify the premises which it is desired to enter.
- (3) An application for a warrant shall be made without notice and supported by an information in writing.
- (4) The inspector shall answer on oath any question that the justice of the peace hearing the application asks him.

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- (5) A warrant shall authorise an entry on one occasion only.
- (6) A warrant shall specify—
  - (a) the name of the person who applies for it,
  - (b) the date on which it is issued, and
  - (c) the enactment under which it is issued.
- (7) Two copies shall be made of a warrant.
- (8) The copies shall be clearly certified as copies.

#### **Commencement Information**

**I2** Sch. 2 para. 2 in force at 27.3.2007 for W. by S.I. 2007/1030, art. 2(1)(g)

- 3 (1) A warrant may be executed by any inspector.
- (2) A warrant may authorise persons to accompany any inspector who is executing it.
- (3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom he accompanies in respect of the execution of the warrant, but may exercise those powers only in the company, and under the supervision, of an inspector.
- (4) Execution of a warrant must be within three months from the date of its issue.
- (5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.
- (6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector shall—
  - (a) identify himself to the occupier and shall produce to him documentary evidence that he is an inspector,
  - (b) produce the warrant to him, and
  - (c) supply him with a copy of it.
- (7) Where—
  - (a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but
  - (b) some other person who appears to the inspector to be in charge of the premises is present,
 sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.
- (8) If there is no person present who appears to the inspector to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.
- (9) A warrant which—
  - (a) has been executed, or
  - (b) has not been executed within the time authorised for its execution,
 shall be returned to the designated officer for the local justice area in which the justice of the peace who issued the warrant was acting when he issued it.

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- (10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.
- (11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, he shall be allowed to do so.

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**Commencement Information**

**I3** Sch. 2 para. 3 in force at 27.3.2007 for W. by S.I. 2007/1030, art. 2(1)(g)

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