

SCHEDULES

SCHEDULE 5

POWERS OF ENTRY, SEARCH, SEIZURE AND RETENTION

Search for compliance purposes

- 9 (1) This paragraph applies in relation to a warrant issued in England, Wales or Northern Ireland under paragraph 8 so far as it authorises a constable to search an individual.
- (2) In relation to warrants issued under that paragraph so far as authorising the entry and search of premises, see—
 - (a) sections 15 and 16 of the Police and Criminal Evidence Act 1984, in relation to warrants issued in England and Wales;
 - (b) Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)), in relation to warrants issued in Northern Ireland.
- (3) The constable applying for the warrant must—
 - (a) state the ground on which the application is made, and
 - (b) identify, so far as practicable, the articles to be sought.
- (4) The application for the warrant is to be made without notice and—
 - (a) if made in England or Wales, supported by an information in writing;
 - (b) if made in Northern Ireland, supported by a complaint in writing and substantiated on oath.
- (5) The constable must answer on oath any questions that the appropriate judicial authority (within the meaning of paragraph 8) hearing the application may ask of the constable.
- (6) If the warrant is issued it authorises a search of the individual on one occasion only.
- (7) The warrant must—
 - (a) specify the name of the constable applying for it, the date on which it is issued and the fact that it is issued under paragraph 8, and
 - (b) identify, so far as practicable, the articles to be sought.
- (8) Two copies must be made of the warrant and clearly certified as copies.
- (9) The warrant may be executed by any constable.
- (10) The search under the warrant must be carried out within 28 days of its issue.
- (11) The search must be carried out at a reasonable hour unless it appears to the constable executing the warrant that the purposes of the search may be frustrated if carried out then.
- (12) The constable seeking to execute the warrant must, before carrying out the search—

Status: This is the original version (as it was originally enacted).

- (a) identify himself or herself to the individual,
 - (b) if not in uniform, produce documentary evidence that he or she is a constable to the individual,
 - (c) produce the warrant to the individual, and
 - (d) supply the individual with a copy of the warrant (which, in Northern Ireland, must be a certified copy).
- (13) The constable executing the warrant must make an endorsement on it stating—
- (a) whether anything sought was found in the course of the search, and
 - (b) whether anything was seized.
- (14) When the warrant has been executed it must be returned to the designated officer.
- (15) The designated officer must retain a warrant returned under sub-paragraph (14) for a period of 12 months from the time of its return and, if requested during that period, allow the individual to inspect it.
- (16) The “designated officer” is—
- (a) in relation to a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace who issued the warrant was acting when it was issued;
 - (b) in relation to a warrant issued in Northern Ireland, the clerk for the petty sessions district in which the lay magistrate who issued the warrant was acting when it was issued.