



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 4

#### SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

##### *Warrants*

#### **52 Applications for search and seizure warrants**

- (1) A justice of the peace may issue a warrant (a “search and seizure warrant”) authorising a police or customs officer—
  - (a) to enter premises, and
  - (b) to search them for substances that appear to be intended for use as drug-cutting agents,if the justice is satisfied that there are reasonable grounds to suspect that a substance intended for such use is on the premises.
- (2) In this Part “police or customs officer” means—
  - (a) a constable,
  - (b) a National Crime Agency officer, or
  - (c) a person designated as a general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009.
- (3) A search and seizure warrant may be either—
  - (a) a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an “all-premises warrant”), or
  - (b) a warrant that relates only to premises specified in the warrant (a “specific-premises warrant”).
- (4) A search and seizure warrant may be issued only on the application of a police or customs officer.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The application may be made without notice being given to persons who might be affected by the warrant.
- (6) The application must be supported—
  - (a) in England and Wales, by an information in writing;
  - (b) in Scotland, by evidence on oath;
  - (c) in Northern Ireland, by a complaint on oath.
- (7) The police or customs officer must answer on oath any question that the justice of the peace hearing the application asks him or her.
- (8) A police or customs officer applying for a search and seizure warrant must—
  - (a) state that the application is made under this section;
  - (b) specify the premises or (as the case may be) each set of premises that it is desired to enter and search;
  - (c) state what are the grounds for suspecting that a substance intended for use as a drug-cutting agent is on the premises;
  - (d) identify, so far as is possible, the substance or substances to be sought.
- (9) If the police or customs officer is applying for a search and seizure warrant authorising entry and search on more than one occasion, the officer must also state—
  - (a) the ground on which the officer applies for such a warrant;
  - (b) whether the officer seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired.
- (10) If the police or customs officer is applying for an all-premises warrant, the officer must also specify—
  - (a) as many of the sets of premises that it is desired to enter and search as it is reasonably practicable to specify;
  - (b) the person who is in occupation or control of those premises and any others that it is desired to enter and search;
  - (c) why it is necessary to search more premises than those specified under paragraph (a);
  - (d) why it is not reasonably practicable to specify all the premises that it is desired to enter and search.

### **53 Further provisions about search and seizure warrants**

- (1) A search and seizure warrant authorises entry on one occasion only, unless it specifies that it authorises multiple entries.

If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.

- (2) A search and seizure warrant must—
  - (a) specify the name of the person who applies for it;
  - (b) specify the date on which it is issued;
  - (c) state that the warrant is issued under section 52 of this Act;
  - (d) specify each set of premises to be searched, or (in the case of an all-premises warrant) the person who is in occupation or control of premises to be

searched, together with any premises to be searched that are under the person's occupation and can be specified;

- (e) identify, so far as is possible, the substance or substances to be sought.
- (3) Two copies must be made of a search and seizure warrant that specifies only one set of premises and does not authorise multiple entries.
- (4) As many copies as are reasonably required may be made of any other kind of warrant.
- (5) The copies must be clearly certified as copies.

#### **54 Execution of search and seizure warrants**

- (1) Schedule 2 (execution of search and seizure warrants) has effect.
- (2) An entry on or search of premises under a search and seizure warrant is unlawful unless it complies with that Schedule.
- (3) A police or customs officer may use reasonable force, if necessary, for the purpose of entering premises under a search and seizure warrant.
- (4) An offence is committed by a person who without reasonable excuse obstructs a police or customs officer executing or seeking to execute a search and seizure warrant.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.