



Ivory Act 2018

2018 CHAPTER 30

Powers of entry, search and seizure

17 Warrants authorising entry and search of premises

- (1) Where a justice is satisfied that the requirements in subsection (5) are met in relation to any premises, the justice may issue a warrant (a “search warrant”) authorising a police or customs officer—
 - (a) to enter the premises;
 - (b) to search them for relevant evidence.
- (2) A search warrant may be issued only on the application of—
 - (a) a police or customs officer, in England and Wales or Northern Ireland;
 - (b) a police or customs officer or a procurator fiscal, in Scotland.
- (3) A police or customs officer may apply for a search warrant only if the officer is a senior officer or is authorised by a senior officer to make the application.

In this subsection “senior officer” means—

- (a) a constable of at least the rank of inspector;
 - (b) a designated customs official of at least the grade of senior officer;
 - (c) a designated NCA officer of grade 3 or above.
- (4) A search warrant may be either—
 - (a) a warrant that relates only to premises specified in the warrant (a “specific-premises warrant”), or
 - (b) in the case of a warrant issued in England and Wales or Northern Ireland, a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an “all-premises warrant”).
 - (5) The requirements of this subsection are met in relation to premises if there are reasonable grounds to suspect that—
 - (a) there are items on the premises that are relevant evidence, and

Status: This is the original version (as it was originally enacted).

- (b) in a case where the premises are specified in the application, any of the conditions in subsection (6) is met.
- (6) The conditions referred to in subsection (5)(b) are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) that it is not practicable to communicate with any person entitled to grant access to the items;
 - (c) that entry to the premises is unlikely to be granted unless a warrant is produced;
 - (d) that the purpose of entry may be frustrated or seriously prejudiced unless a police or customs officer arriving at the premises can secure immediate entry to them.
- (7) In this Act “premises” includes any place and, in particular, includes—
- (a) a vehicle, vessel or aircraft;
 - (b) a tent or moveable structure.