



Ivory Act 2018

2018 CHAPTER 30

Powers of entry, search and seizure

18 Further provision about search warrants

- (1) An application for a search warrant 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.
- (2) A person applying for a search warrant must answer on oath any question that the justice hearing the application asks the person.

In the case of an application made by a procurator fiscal, that requirement may be met by a police or customs officer.

- (3) A search warrant may be executed by any police or customs officer.
- (4) A search warrant may authorise persons to accompany any police or customs officer who is executing it if the justice issuing the warrant is satisfied that their presence is likely to be helpful to the search.
- (5) A person authorised under subsection (4) to accompany a police or customs officer may exercise any power conferred by sections 17 to 25 that the officer may exercise as a result of the warrant.

But the person may exercise such a power only in the company of, and under the supervision of, a police or customs officer.

- (6) Unless giving notice would be likely to frustrate or seriously prejudice the purpose of a search—
 - (a) reasonable efforts must be made to give notice of an application for a search warrant to persons who might be affected by it;
 - (b) a search warrant does not authorise entry to premises unless 48 hours' notice of the intended entry is given to the occupier or some other appropriate person who is responsible for the premises.

Changes to legislation: There are currently no known outstanding effects for the Ivory Act 2018, Section 18. (See end of Document for details)

- (7) Schedule 2 contains further provision about—
- (a) applications for search warrants made in England and Wales or Northern Ireland;
 - (b) search warrants issued in England and Wales or Northern Ireland.
- (8) An entry on or search of premises under a search warrant issued in England and Wales or Northern Ireland is unlawful if it does not comply with the provisions of Part 3 of that Schedule (execution of search warrants).

Commencement Information

II S. 18 in force at 6.6.2022 by S.I. 2022/288, reg. 4(e) (with reg. 5)

Changes to legislation:

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