

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 13. (See end of Document for details)

SCHEDULES

SCHEDULE 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Modifications etc. (not altering text)

- C1** Sch. 2 applied (20.12.2023) by 1989 c. 6, s. 11(3) (as substituted by National Security Act 2023 (c. 32), s. 100(1), Sch. 18 para. 6(3)(a) (with s. 97); S.I. 2023/1272, reg. 2(f))

PART 1

ENGLAND AND WALES AND NORTHERN IRELAND

Urgent cases

- 13 (1) [This paragraph](#) applies where confidential journalistic material is seized by virtue of an order under [paragraph 12](#) giving the authority which may be given by a warrant under [paragraph 9](#).
- (2) A constable may apply to a judge for the issue of a warrant under [this paragraph](#).
- (3) An application under [sub-paragraph \(2\)](#) must be made as soon as reasonably practicable after the material is seized.
- (4) The judge may grant an application under [sub-paragraph \(2\)](#) if satisfied that conditions 1 to 3 are met.
- (5) Condition 1 is that there are reasonable grounds for suspecting that a relevant act has been, or is about to be, committed.
- (6) Condition 2 is that there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or with other material, to an investigation into whether a relevant act has been, or is about to be, committed.
- (7) Condition 3 is that there are reasonable grounds for believing that it is in the public interest that the material should be retained having regard to the benefit likely to accrue to the investigation if the material is retained.
- (8) A warrant under [this paragraph](#) is a warrant authorising the retention of confidential journalistic material.
- (9) A warrant under [this paragraph](#) may impose conditions on the retention and use of the material.
- (10) If the judge does not grant an application for the issue of a warrant under [this paragraph](#) in relation to any of the material to which the application relates, the judge may direct that the material is—

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- (a) returned to the person from whom it was seized, or
- (b) destroyed.

Commencement Information

- I1** Sch. 2 para. 13 not in force at Royal Assent, see 100(1)
- I2** [Sch. 2 para. 13](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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