

## SCHEDULES

### SCHEDULE 2

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### PART 2

##### SCOTLAND

###### *Urgent cases*

- 28 (1) [This paragraph](#) applies where confidential journalistic material is seized by virtue of an order under [paragraph 27](#).
- (2) The procurator fiscal may apply to a sheriff for the issue of a warrant under [this paragraph](#).
- (3) An application under [sub-paragraph \(2\)](#) must be made as soon as reasonably practicable.
- (4) The sheriff 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 sheriff 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 sheriff may direct that the material is—
- (a) returned to the person from whom it was seized, or
  - (b) destroyed.
- (11) “Confidential journalistic material” has the same meaning as in [paragraph 27](#).