

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 4. (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

Confidential material: production orders

- 4 (1) A constable may apply to a judge for an order under [this paragraph](#).
- (2) The judge may grant the application if satisfied that conditions 1 to 5 are met.
- (3) Condition 1 is that there are reasonable grounds for suspecting that a relevant act has been, or is about to be, committed.
- (4) Condition 2 is that there are reasonable grounds for suspecting that, within the period of 28 days beginning with the date of the order, there is likely to come into existence material which—
- (a) is evidence that a relevant act has been, or is about to be, committed,
 - (b) consists of or includes confidential material, and
 - (c) does not include items subject to legal privilege.
- (5) Condition 3 is that there are reasonable grounds for suspecting that a person specified in the application is likely within that period to have in their possession, custody or control any of the material to which the application relates.
- (6) Condition 4 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 5 is that there are reasonable grounds for believing that it is in the public interest that the material should be produced or access to it should be given having regard to—
- (a) the benefit likely to accrue to the investigation if the material is obtained, and
 - (b) the circumstances under which the person concerned is likely to have any of the material in their possession, custody or control.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 4. (See end of Document for details)

- (8) An order under [this paragraph](#) is an order that the person specified in the application must do any of the following—
- (a) notify a named constable as soon as reasonably practicable after any material to which the application relates comes into the person’s possession, custody or control;
 - (b) produce to a constable within a specified period for seizure and retention any material to which the application relates which comes into the person’s possession, custody or control;
 - (c) give a constable access to any material of the kind mentioned in paragraph (b) within a specified period;
 - (d) state to the best of the person’s knowledge and belief the location of the material to which the application relates if it is not in, and will not come into, the person’s possession, custody or control within the period of 28 days beginning with the date of the order.
- (9) The specified period is to be the period of 7 days beginning with the date of the notification required by sub-paragraph (8)(a), unless it appears to the judge that a different period would be appropriate in the particular circumstances of the application.

Commencement Information

- I1** Sch. 2 para. 4 not in force at Royal Assent, see 100(1)
- I2** [Sch. 2 para. 4](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Paragraph 4.