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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 47**

**INVESTIGATION ORDERS AND WARRANTS**

*SECTION 3: INVESTIGATION WARRANTS*

**When this Section applies**

**47.24.** This Section applies where—

- (a) a justice of the peace can issue a warrant under—
  - (i) section 8 of the Police and Criminal Evidence Act 1984<sup>(1)</sup>, <sup>F1</sup>...
  - (ii) section 2 of the Criminal Justice Act 1987<sup>(2)</sup>;
  - [<sup>F2</sup>(iii) paragraph 1 of Schedule 5 to the Terrorism Act 2000, or
  - (iv) paragraph 2 of Schedule 2 to the National Security Act 2023;]
- (b) a Circuit judge can issue a warrant under—
  - (i) paragraph 12 of Schedule 1 to the Police and Criminal Evidence Act 1984<sup>(3)</sup>,
  - (ii) paragraph 11 of Schedule 5 to the Terrorism Act 2000<sup>(4)</sup>, or
  - (iii) section 160 of the Extradition Act 2003<sup>(5)</sup>;
- (c) a Crown Court judge can issue a warrant under—
  - (i) section 352 of the Proceeds of Crime Act 2002<sup>(6)</sup>, or

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- (1) 1984 c. 60; section 8 was amended by paragraph 80 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), sections 111, 113 and 114 of, and paragraph 43 of Schedule 7 to, the Serious Organised Crime and Police Act 2005 (c. 15) and section 86 of the Finance Act 2007 (c. 11).
- (2) 1987 c. 38; section 2 was amended by sections 143 and 170 of, and paragraph 113 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 164 of the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 20 of Schedule 3 to the Youth Justice and Criminal Evidence Act 1999 (c. 23), paragraph 23 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16), paragraphs 11 and 12 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c. 32) and section 12 of, and paragraphs 11, 12 and 13 of Schedule 1 to, the Criminal Justice Act 2003 (c. 44).
- (3) 1984 c. 60; paragraph 12 of Schedule 1 was amended by section 65 of, and paragraph 6 of Schedule 4 to, the Courts Act 2003 (c. 39) and section 113 of the Serious Organised Crime and Police Act 2005 (c. 15).
- (4) 2000 c. 11; paragraph 11 of Schedule 5 was amended by section 26 of the Terrorism Act 2006 (c. 11) and section 82 of the Deregulation Act 2015 (c. 20). It is further amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed.
- (5) 2003 c. 41; section 160 was amended by section 174 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (6) 2002 c. 29; section 352 was amended by sections 74, 76, 77 and 80 of, and paragraphs 103 and 105 of Schedule 8 and paragraphs 1 and 7 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 10 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25), sections 15, 49 and 55 of, and paragraphs 108 and 137 of Schedule 8, paragraphs 1 and 6 of Schedule 19 and paragraphs 14 and 31 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22), section 224 of, and paragraphs 1 and 12 of Schedule 48 to, the Finance Act 2013 (c. 29), article 3 of, and paragraphs 19 and 26 of Schedule 2 to, SI 2014/834 and section 82 of the Deregulation Act 2015 (c. 20).

(ii) article 13 of the Proceeds of Crime Act 2002 (External Investigations) Order 2014(7);<sup>F3</sup>...

[<sup>F4</sup>(d) a Crown Court judge can issue a warrant under—

- (i) paragraph 9 of Schedule 2 to the National Security Act 2023, or
- (ii) paragraph 13 of that Schedule; and

(e) a court to which these Rules apply can issue a warrant to search for and seize articles or persons under a power not listed in paragraphs (a) to (d).]

[*Note. In outline, the warrants to which these rules apply are—*

- (a) *under the Police and Criminal Evidence Act 1984, a warrant authorising entry to, and the search of, premises for material, articles or persons;*
- (b) *under the Criminal Justice Act 1987, a warrant authorising entry to, and the search of, premises for documents sought by the Director of the Serious Fraud Office;*
- (c) *under the Terrorism Act 2000, a warrant authorising entry to, and the search of, premises for material sought for the purposes of a terrorist investigation;*
- (d) *under the Proceeds of Crime Act 2002 or under the Proceeds of Crime Act 2002 (External Investigations) Order 2014, a warrant authorising entry to, and the search of, premises for material sought for the purposes of a confiscation investigation, a money laundering investigation, a detained cash investigation or an external investigation;*
- (e) *under the Extradition Act 2003, a warrant authorising entry to, and the search of, premises for material sought in connection with the prosecution of a person whose extradition has been requested;*

[<sup>F5</sup>(f) *under the National Security Act 2023—*

- (i) *a warrant authorising entry to, and the search of, premises for material sought for the purposes of an investigation to which Schedule 2 to that Act applies,*
- (ii) *a warrant authorising the retention of confidential journalistic material seized under the authority of a senior police officer;*

(g) *under these and other Acts, comparable warrants.]*

*For all the relevant terms under which such warrants can be issued, see the provisions listed in this rule.*

*Under section 8 of the Senior Courts Act 1981(8), a High Court judge, a Circuit judge, a Recorder, a qualifying judge advocate and a District Judge (Magistrates' Courts) each may act as a Crown Court judge.*

*When the relevant provisions of the Courts Act 2003 come into force, a District Judge (Magistrates' Courts) will have the same powers as a Circuit judge under the Police and Criminal Evidence Act 1984 and under the Terrorism Act 2000.*

*Under section 66 of the Courts Act 2003(9), in criminal cases a High Court judge, a Circuit judge, a Recorder and a qualifying judge advocate each has the powers of a justice of the peace who is a District Judge (Magistrates' Courts).*

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(7) S.I. 2014/1893.

(8) 1981 c. 54; section 8 was amended by sections 65 and 109 of, and paragraph 259 of Schedule 8 to, the Courts Act 2003 (c. 39) and paragraph 1 of Schedule 2 to the Armed Forces Act 2011 (c. 18). The 1981 Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(9) 2003 c. 39; section 66 was amended by paragraph 6 of Schedule 2 to the Armed Forces Act 2011 (c. 18) and sections 17 and 21 of, and paragraphs 83 and 90 of Schedule 10 and paragraph 4 of Schedule 14 to, the Crime and Courts Act 2013 (c. 22).

As well as governing procedure on an application to a magistrates' court or the Crown Court, under the following provisions rules may govern the procedure on an application to an individual<sup>F6</sup> ... judge—

- (a) paragraph 15A of Schedule 1 to the Police and Criminal Evidence Act 1984<sup>(10)</sup>;
- (b) paragraph 11 of Schedule 5 to the Terrorism Act 2000;
- (c) section 352 of the Proceeds of Crime Act 2002; <sup>F6</sup> ...
- (d) section 160 of the Extradition Act 2003; [<sup>F7</sup>and]

[<sup>F8</sup>(e) paragraph 16 of Schedule 2 to the National Security Act 2023.]

[<sup>F9</sup>For a list of the types of investigation under Part 8 of the Proceeds of Crime Act 2002 and a list of the powers of judges in respect of each type, see the note to rule 47.4 (Section 2: Investigation orders; When this Section applies).]]

#### Textual Amendments

- F1** Word in rule 47.24(a)(i) omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(i)**
- F2** Rule 47.24(a)(iii)(iv) inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(ii)**
- F3** Word in rule 47.24(c) omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(iii)**
- F4** Rule 47.24(d)(e) substituted for rule 47.24(d) (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(iv)**
- F5** Words in rule 47.24 Note substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(v)**
- F6** Words in rule 47.24 Note omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(vi)**
- F7** Word in rule 47.24 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(vi)**
- F8** Words in rule 47.24 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **12(I)(vi)**
- F9** Words in rule 47.24 inserted (8.2.2021) by [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), rules 2, **27(j)**

#### Commencement Information

- I1** Rule 47.24 in force at 5.10.2020, see Preamble

<sup>(10)</sup> 1984 c. 60; paragraph 15A of Schedule 1 was inserted by section 82 of the Deregulation Act 2015 (c. 20).

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 47.24.