



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Offences

109 Search warrants.

- (1) Where a justice of the peace (in Scotland, a sheriff or justice of the peace) is satisfied by information on oath given by a constable (in Scotland, by evidence on oath) that there are reasonable grounds for believing—
 - (a) that an offence under [^{F1}section 107(1), (2) or (2A)] has been or is about to be committed in any premises, and
 - (b) that evidence that such an offence has been or is about to be committed is in those premises,he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.
- (2) The power conferred by subsection (1) does not, in England and Wales, extend to authorising a search for material of the kinds mentioned in section 9(2) of the ^{M1}Police and Criminal Evidence Act 1984 (certain classes of personal or confidential material).
- (3) A warrant under this section—
 - (a) may authorise persons to accompany any constable executing the warrant, and
 - (b) remains in force for [^{F2}three months] from the date of its issue.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 109. (See end of Document for details)

- (4) In executing a warrant issued under this section a constable may seize an article if he reasonably believes that it is evidence that any offence under [F³section 107(1), (2) or (2A)] has been or is about to be committed.
- (5) In this section “premises” includes land, buildings [F⁴fixed or], moveable structures, vehicles, vessels, aircraft and hovercraft.

Textual Amendments

- F1** Words in s. 109(1)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 26\(2\)\(i\)](#) (with regs. 31-40)
- F2** Words in s. 109(3)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174(1), 178, [Sch. 16 para. 6\(2\)](#); S.I. 2005/3495, [art. 2\(1\)\(s\)](#) (subject to art. 2(2))
- F3** Words in s. 109(4) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 26\(2\)\(ii\)](#) (with regs. 31-40)
- F4** Words in s. 109(5) inserted (20.11.2002) by [2002 c. 25, s. 2\(2\)\(c\)](#); S.I. 2002/2749, [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 109(4): power of seizure extended (1.4.2003) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\)](#) Sch. 1 Pt. 1 para. 48; S.I. 2003/708, [art. 2](#)
- S. 109(4) modified (E.W.N.I.) (1.4.2003) by [2001 c. 16, ss. 55, 68, 138\(2\)](#), Sch. 1 Pt. 3 para. 106 (with s. 57(3)); S.I. 2003/708, [art. 2](#)

Marginal Citations

- M1** [1984 c. 60](#).

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