



Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Offences

[^{F1}92A 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 section 92 (unauthorised use of trade mark, etc. in relation to goods) 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 Police and Criminal Evidence Act 1984 (c. 60) (certain classes of personal or confidential material).
- (3) A warrant under subsection (1)—
 - (a) may authorise persons to accompany any constable executing the warrant, and
 - (b) remains in force for [^{F2}28 days][^{F2}three months] from the date of its issue.
- (4) In executing a warrant issued under subsection (1) a constable may seize an article if he reasonably believes that it is evidence that any offence under section 92 has been or is about to be committed.
- (5) In this section “ premises ” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft.]

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 92A. (See end of Document for details)

Textual Amendments

- F1** S. 92A inserted (20.11.2002) by 2002 c. 24, s. 6; S.I. 2002/2749, art. 2
- F2** Words in s. 92A(3)(b) substituted (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 16 para. 8; S.I. 2005/3495, art. 2(1)(s)

Modifications etc. (not altering text)

- C1** S. 92A applied (with modifications) (29.4.2006) by Community Trade Mark Regulations 2006 (S.I. 2006/1027), regs. 1(1), 8

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 92A.