

SCHEDULES

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART II

SCOTLAND

Searches

- 28 (1) The procurator fiscal may apply to the sheriff to grant a warrant under this paragraph for the purposes of a terrorist investigation.
- (2) A warrant under this paragraph shall authorise any constable—
- (a) to enter the premises specified in the warrant,
 - (b) to search the premises and any person found there, and
 - (c) to seize and retain any relevant material which is found on a search under paragraph (b).
- (3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.
- (4) The sheriff may grant an application under this paragraph if satisfied—
- (a) that the warrant is sought for the purposes of a terrorist investigation,
 - (b) that there are reasonable grounds for believing that there is material on premises specified in the application which is likely to be of substantial value to a terrorist investigation, and
 - (c) that one of the conditions in paragraph 29 is satisfied.
- (5) Where a warrant is granted in relation to non-residential premises, the entry and search must be within the period of 24 hours beginning with the time when the warrant is granted.
- (6) For the purpose of sub-paragraph (5) “non-residential premises” means any premises other than those which the procurator fiscal has reasonable grounds for believing are used wholly or mainly as a dwelling.
- (7) A warrant under this paragraph may authorise the persons named in the warrant to accompany the constable who is executing it.
- 29 (1) The conditions referred to in paragraph 28(4)(c) are—
- (a) that an order made under paragraph 28 in relation to material on the premises has not been complied with, or
 - (b) that for any of the reasons mentioned in sub-paragraph (2) it would not be appropriate to make such an order.

Status: This is the original version (as it was originally enacted).

(2) The reasons are—

- (a) it is not practicable to communicate with any person entitled to produce the material,
- (b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated, or
- (c) the investigation for the purposes of which the application is made may be seriously prejudiced unless a constable can secure immediate access to the material.