



Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002

2002 CHAPTER 25

Amendment of the Copyright, Designs and Patents Act 1988

2 Search warrants

- (1) The 1988 Act is amended as follows.
- (2) In section 109 (search warrants: infringing articles, etc.)—
 - ^{F1}(a)
 - ^{F1}(b)
 - (c) in subsection (5), after “buildings,” insert “ fixed or ”.
- (3) In section 200 (search warrants: illicit recordings)—
 - (a) in subsection (1)(a)—
 - ^{F2}(i)
 - (ii) after “importing” insert “ , possessing, selling etc. ”; and
 - (b) after subsection (3) insert—

“(3A) 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 198(1) has been or is about to be committed.”.
- (4) After section 297A insert—

“297B 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 297A(1) has been or is about to be committed in any premises, and

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- (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 28 days 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 297A(1) 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.”.

Textual Amendments

- F1** S. 2(2)(a)(b) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, **Sch. 2** (with regs. 31-40)
- F2** S. 2(3)(a)(i) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, **Sch. 2** (with regs. 31-40)

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