

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 3: Police powers etc.**

#### *Section 113: Search warrants: premises*

243. This section extends the current provisions under PACE for the issue of warrants to search premises and seize evidence. It also introduces an extension to the specific premises warrant to cover more than one set of premises.
244. *Subsections (2) to (4)* amend section 8 of PACE. *Subsection (4)* introduces a new type of warrant known as an “all premises warrant”. A constable will be able to apply for this type of warrant when it is necessary to search all premises occupied or controlled by an individual, but it is not reasonably practicable to specify all such premises at the time of applying for the warrant. The warrant will allow access to all premises occupied or controlled by that person, both those which are specified on the application, and those which are not. It will still be possible to obtain a warrant which relates to one set of premises, now known as a “specific premises warrant” (*subsection (4)*).
245. *Subsections (5) to (8)* amend section 15 of PACE, which sets out the safeguards for applications for search warrants. *Subsection (7)* sets out what must be included in an application for a “specific premises warrant” or an “all premises warrant”. *Subsection (8)* makes a consequential change.
246. *Subsection (9)* amends section 16 of PACE so as to require, in the case of an “all premises warrant”, for any entry into premises which have not been specified in the warrant to be authorised in writing by an officer of at least the rank of inspector.
247. *Subsections (10) to (15)* amend Schedule 1 to PACE. *Subsection (14)* inserts a new paragraph 12A, setting out the grounds on which a judge may issue an “all premises warrant”, namely that there are reasonable grounds for believing it is necessary to search more than one set of premises occupied or controlled by a particular person, and that it is not reasonably practicable to specify them all. *Subsections (11) to (13)* and *(15)* make consequential changes.