



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Search warrants*

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

- (1) PACE is amended as follows.
- (2) Section 8 (power to authorise entry and search of premises) is amended as provided in subsections (3) and (4).
- (3) In subsection (1)—
  - (a) in paragraph (b), for “specified in the application” substitute “mentioned in subsection (1A) below”,
  - (b) in paragraph (e), at the end add “in relation to each set of premises specified in the application”.
- (4) After subsection (1) insert—

“(1A) The premises referred to in subsection (1)(b) above are—

  - (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”); or
  - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).

(1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that because of the particulars of the offence referred to in paragraph (a) of subsection (1) above, there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in paragraph (b) of that subsection; and
  - (b) that it is not reasonably practicable to specify in the application all the premises which he occupies or controls and which might need to be searched.”
- (5) Section 15 (search warrants—safeguards) is amended as provided in subsections (6) to (8).
- (6) For subsection (2)(b) substitute—
  - “(b) to specify the matters set out in subsection (2A) below; and”.
- (7) After subsection (2) insert—
  - “(2A) The matters which must be specified pursuant to subsection (2)(b) above are—
    - (a) if the application is for a specific premises warrant made by virtue of section 8(1A)(a) above or paragraph 12 of Schedule 1 below, each set of premises which it is desired to enter and search;
    - (b) if the application is for an all premises warrant made by virtue of section 8(1A)(b) above or paragraph 12 of Schedule 1 below—
      - (i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;
      - (ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;
      - (iii) why it is necessary to search more premises than those specified under sub-paragraph (i); and
      - (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.”
- (8) For subsection (6)(a)(iv) substitute—
  - “(iv) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under his occupation or control which can be specified and which are to be searched; and”.
- (9) In section 16 (execution of warrants)—
  - (a) after subsection (3) insert—
    - “(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless a police officer of at least the rank of inspector has in writing authorised them to be entered.”,
  - (b) in subsection (9), after paragraph (b) add—
    - “and, unless the warrant is a specific premises warrant specifying one set of premises only, he shall do so separately in respect of each set of premises entered and searched, which he shall in each case state in the endorsement.”,

- (c) in subsection (12), for “the premises” substitute “premises”.
- (10) Schedule 1 (special procedure) is amended as follows.
- (11) In each of paragraphs 2(a)(ii) and 3(a), at the end add “, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify);”.
- (12) In paragraph 3(b), for “the premises” substitute “such premises”.
- (13) In paragraph 12—
- (a) in sub-paragraph (a)(ii), after “fulfilled” insert “in relation to each set of premises specified in the application”,
  - (b) at the end add “or (as the case may be) all premises occupied or controlled by the person referred to in paragraph 2(a)(ii) or 3(a), including such sets of premises as are specified in the application (an “all premises warrant”)”.
- (14) After paragraph 12 insert—
- “12A The judge may not issue an all premises warrant unless he is satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question; and
  - (b) that it is not reasonably practicable to specify all the premises which he occupies or controls which might need to be searched.”
- (15) In paragraph 14(a), omit “to which the application relates”.