

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: Marine and Coastal Access Act 2009, Schedule 17 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 17

Section 249

#### WARRANTS ISSUED UNDER SECTION 249

##### Modifications etc. (not altering text)

- C1** Sch. 17 applied (31.12.2010) by [The Marine \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2870\)](#), arts. 1, **10**

##### *Introductory*

- 1 (1) This Schedule has effect in relation to the issue to enforcement officers of warrants under section 249.
- (2) An entry into a dwelling under such a warrant is unlawful unless it complies with the provisions of this Schedule.

##### Commencement Information

- I1** Sch. 17 para. 1 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

##### *Applications for warrants*

- 2 (1) Where an enforcement officer applies for a warrant, the officer must—
- (a) state the ground on which the application is made,
  - (b) state the enactment under which the warrant would be issued,
  - (c) specify the dwelling which it is desired to enter and inspect, and
  - (d) identify, so far as is practicable, the purpose for which entry is desired.
- (2) An application for a warrant must be made without notice and must be supported by an information in writing or, in Scotland, evidence on oath.
- (3) The officer must answer on oath any question that the justice hearing the application asks the officer.

##### Commencement Information

- I2** Sch. 17 para. 2 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

##### *Safeguards in connection with power of entry conferred by warrant*

- 3 A warrant authorises an entry on one occasion only.

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**Commencement Information**

**I3** Sch. 17 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 4 (1) A warrant must specify—
- (a) the name of the person who applies for it,
  - (b) the date on which it is issued,
  - (c) the enactment under which it is issued, and
  - (d) the dwelling to be entered.
- (2) A warrant must identify, so far as is practicable, the purpose for which entry is desired.

**Commencement Information**

**I4** Sch. 17 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 5 (1) Two copies are to be made of a warrant.
- (2) The copies must be clearly certified as copies.

**Commencement Information**

**I5** Sch. 17 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

*Execution of warrants*

- 6 (1) A warrant may be executed by any appropriate enforcement officer.
- (2) In sub-paragraph (1) the reference to an appropriate enforcement officer is a reference to any enforcement officer acting on behalf of the same relevant authority as the enforcement officer who applied for the warrant, and includes a reference to that officer.
- (3) In sub-paragraph (2) “relevant authority” means the person or body on whose behalf the officer who applied for the warrant was acting.

**Commencement Information**

**I6** Sch. 17 para. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 7 (1) A warrant may authorise persons to accompany any enforcement officer who is executing it.
- (2) A person authorised under this paragraph has the same powers as the officer whom the person is accompanying in respect of the execution of the warrant, but may exercise those powers only in the company of, and under the supervision of, an enforcement officer.

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**Commencement Information**

**I7** Sch. 17 para. 7 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 8 (1) Execution of a warrant must be within three months from the date of its issue.
- (2) Execution of a warrant must be at a reasonable time, unless it appears to the officer executing it that there are grounds for suspecting that the purpose of entering the dwelling may be frustrated if the officer seeks to enter at a reasonable time.

**Commencement Information**

**I8** Sch. 17 para. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 9 (1) Where the occupier of a dwelling that is to be entered under a warrant is present at the time when an enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer's name;
  - (b) the officer must produce to the occupier documentary evidence of the fact that the officer is an enforcement officer;
  - (c) the officer must produce the warrant to the occupier;
  - (d) the officer must supply the occupier with a certified copy of it.
- (2) Where—
- (a) the occupier of a dwelling that is to be entered under a warrant is not present when an enforcement officer seeks to execute it, but
  - (b) some other person who appears to the officer to be in charge of the dwelling is present,
- sub-paragraph (1) has effect as if any reference to the occupier were a reference to that other person.
- (3) If there is no person present who appears to the enforcement officer to be in charge of the dwelling, the officer must leave a certified copy of the warrant in a prominent place in the dwelling.

**Commencement Information**

**I9** Sch. 17 para. 9 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

*Return of warrants*

- 10 (1) A warrant which—
- (a) has been executed, or
  - (b) has not been executed within the time authorised for its execution,
- must be returned to the appropriate person.
- (2) In sub-paragraph (1) the appropriate person is—
- (a) in the case of a warrant issued by a justice of the peace in England and Wales, the designated officer for the local justice area in which the justice was acting when the warrant was issued;

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- (b) in the case of a warrant issued by a lay magistrate in Northern Ireland, the clerk of petty sessions <sup>F1</sup> ...;
  - (c) in the case of a warrant issued by a sheriff, the sheriff clerk;
  - (d) in the case of a warrant issued by a justice of the peace or stipendiary magistrate in Scotland, the clerk of the justice of the peace court.
- (3) A warrant that is returned under this paragraph must be retained by the person to whom it is returned for a period of 12 months.
- (4) If during that period the occupier of the dwelling to which the warrant relates asks to inspect it, the occupier must be allowed to do so.

#### Textual Amendments

**F1** Words in Sch. 17 para. 10(2)(b) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 137](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(l) (with art. 3)

#### Commencement Information

**I10** Sch. 17 para. 10 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

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