

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, PART 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

PART 3

EXECUTION OF SEARCH WARRANTS

Warrant to be executed within one month

- 6 Entry and search under a search warrant must be within one month from the date of its issue.

Commencement Information

- II** Sch. 3 para. 6 in force at 26.5.2016 by S.I. 2016/553, reg. 2

All-premises warrants

- 7 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a relevant enforcement officer of the appropriate grade has authorised them to be entered.
- (2) An authorisation under sub-paragraph (1) must be in writing.
- (3) In this paragraph—
- “all-premises warrant” has the meaning given by section 39(3);
 - “relevant enforcement officer of the appropriate grade” means—
 - (a) a senior officer (see section 13(7)), or
 - (b) in the case of a search warrant issued on the application of an officer of a local authority, a person designated by the local authority for the purposes of this paragraph.

Commencement Information

- I2** Sch. 3 para. 7 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Search of premises more than once

- 8 (1) Premises may be entered or searched for the second or any subsequent time under a search warrant authorising multiple entries only if a relevant enforcement officer of the appropriate grade has authorised that entry to the premises.

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- (2) An authorisation under sub-paragraph (1) must be in writing.
- (3) In this paragraph “relevant enforcement officer of the appropriate grade” has the same meaning as in paragraph 7.

Commencement Information

I3 Sch. 3 para. 8 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Time of search

- 9 Entry and search under a search warrant must be at a reasonable hour unless it appears to the relevant enforcement officer executing it that the purpose of a search may be frustrated on an entry at a reasonable hour.

Commencement Information

I4 Sch. 3 para. 9 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Evidence of authority etc

- 10 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a relevant enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer's name;
 - (b) if not a constable in uniform, the officer must produce to the occupier documentary evidence that the officer is a relevant enforcement officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a relevant enforcement officer seeks to execute the warrant—
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person;
 - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

Commencement Information

I5 Sch. 3 para. 10 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Extent of search

- 11 A search under a search warrant may only be a search to the extent required for the purpose for which the warrant was issued.

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Commencement Information

16 Sch. 3 para. 11 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Securing premises after entry

- 12 A relevant enforcement officer who enters premises under a search warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

Commencement Information

17 Sch. 3 para. 12 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Return and retention of warrant

- 13 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2))
- (a) when the warrant has been executed, or
 - (b) on or before the expiry of the period of one month from the date of its issue, if the warrant is—
 - (i) a specific-premises warrant that has not been executed,
 - (ii) an all-premises warrant, or
 - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant;
 - (b) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the lay magistrate was acting when issuing the warrant.
- (3) The appropriate person must retain a search warrant returned under sub-paragraph (1) for 12 months from the date of its return.
- (4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.
- (5) In this paragraph “specific-premises warrant” and “all-premises warrant” have the meaning given by section 39(3).

Commencement Information

18 Sch. 3 para. 13 in force at 26.5.2016 by S.I. 2016/553, reg. 2

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