

Article 17 Police and Criminal Evidence (NI) Order 1989

Search warrants-safeguards

17. - (1) This Article and Article 18 have effect in relation to the issue to constables under any statutory provision, including a statutory provision passed or made after the making of this Order, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless the warrant complies with this Article and is executed in accordance with Article 18.

(2) Where a constable applies for any such warrant, it shall be his duty-

(a) to state-

- (i) the ground on which he makes the application;
- (ii) the statutory provision under which the warrant would be issued; and
- (iii) if the application is for a warrant authorising entry and search on more than one occasion, the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;

(b) to specify the matters set out in paragraph (2A); and

(c) to identify, so far as is practicable, the articles or persons to be sought.

(2A) The matters which must be specified pursuant to paragraph (2)(b) are—

(a) if the application relates to one or more sets of premises specified in the application, each set of premises which it is desired to enter and search;

(b) if the application relates to any premises occupied or controlled by a person specified in the application,—

- (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 head (i); and
- (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.

(3) An application for such a warrant shall be supported by a complaint in writing and substantiated on oath.

(4) The constable shall answer any question that the lay magistrate or judge hearing the application asks him.

(5) A warrant shall authorise an entry on one occasion only unless it specifies that it authorises multiple entries.

(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.

(6) A warrant-

(a) shall specify-

(i) the name of the person who applies for it;

(ii) the date on which it is issued;

(iii) the statutory provision under which it is issued; and

(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

(b) shall identify, so far as is practicable, the articles or persons to be sought.

(7) Two copies shall be made of a warrant which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.

(8) The copies shall be clearly certified as copies by the lay magistrate or judge who issues the warrant.

Article 10 Police and Criminal Evidence (NI) Order 1989

Power of lay magistrate to authorise entry and search of premises

(1) If on an application made by a constable a lay magistrate is satisfied that there are reasonable grounds for believing-

- (a) that an indictable offence has been committed; and
- (b) that there is material on premises mentioned in paragraph (1A) which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence; and
- (c) that the material is likely to be relevant evidence; and
- (d) that it does not consist of or include items subject to legal privilege, excluded material or special procedure material; and
- (e) that any of the conditions specified in paragraph (3) applies in relation to each set of premises specified in the application,

he may issue a warrant authorising a constable to enter and search the premises.

(1A) The premises referred to in paragraph (1)(b) 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 lay magistrate must also be satisfied—

- (a) that because of the particulars of the offence referred to in sub-paragraph (a) of paragraph (1), 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 sub-paragraph (b) of that paragraph; 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.

(1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which he issues the warrant.

(1D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.

(2) A constable may seize and retain anything for which a search has been authorised under paragraph (1).

(3) The conditions mentioned in paragraph (1)(e) are-

(a) that it is not practicable to communicate with any person entitled to grant entry to the premises;

(b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the evidence;

(c) that entry to the premises will not be granted unless a warrant is produced;

(d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

(4) In this Order “relevant evidence”, in relation to an offence, means anything that would be admissible in evidence at a trial for the offence.

(5) The power to issue a warrant conferred by this Article is in addition to any such power otherwise conferred.

(6) This Article applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to an indictable offence.

Schedule 5 to the Terrorism Act 2000

TERRORIST INVESTIGATIONS: INFORMATION PART I ENGLAND & WALES AND NORTHERN IRELAND

Searches

1. - (1) A constable may apply to a lay magistrate for the issue of a warrant under this paragraph for the purposes of a terrorist investigation¹.

- (2) A warrant under this paragraph shall authorise any constable-
 - (a) to enter premises mentioned in sub-paragraph (2A),
 - (b) to search the premises and any person found there, and
 - (c) to seize and retain any relevant material which is found on a search under paragraph (b).

- (2A) The premises referred to in sub-paragraph (2)(a) 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’).

- (3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that-
 - (a) it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation, and
 - (b) it must be seized in order to prevent it from being concealed, lost, damaged, altered or destroyed.

- (4) A warrant under this paragraph shall not authorise-
 - (a) the seizure and retention of items subject to legal privilege, or
 - (b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

¹ By section 32 of the 2000 Act “terrorist investigation” means an investigation of-

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) an act which appears to have been done for the purposes of terrorism,
- (c) the resources of a proscribed organisation,
- (d) the possibility of making an order under section 3(3), or
- (e) the commission, preparation or instigation of an offence under this Act or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act.

(5) Subject to paragraph 2, a lay magistrate may grant an application under this paragraph if satisfied-

- (a) that the warrant is sought for the purposes of a terrorist investigation,
- (b) that there are reasonable grounds for believing that there is material on premises to which the application relates which is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation and which does not consist of or include excepted material (within the meaning of paragraph 4 below),
- (c) that the issue of a warrant is likely to be necessary in the circumstances of the case, and
- (d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.

2. - (1) This paragraph applies where an application for a specific premises warrant is made under paragraph 1 and-

- (a) the application is made by a police officer of at least the rank of superintendent,
- (b) the application does not relate to residential premises, and
- (c) the lay magistrate to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The lay magistrate may grant the application if satisfied of the matters referred to in paragraph 1(5)(a) and (b).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (1) “residential premises” means any premises which the officer making the application has reasonable grounds for believing are used wholly or mainly as a dwelling.

2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—

- (a) the application is made by a police officer of at least the rank of superintendent, and
- (b) the lay magistrate to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The lay magistrate may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—

(a) in respect of premises which are not residential premises, and

(b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) ‘residential premises’, in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling.

Article 52 Firearms (NI) Order 2004

Power of search with warrant

52. - (1) If a lay magistrate is satisfied that there is reasonable ground for suspecting-

- (a) that an offence under this Order has been, is being or is about to be committed; or
- (b) that, in connection with a firearm or ammunition, there is a danger to public safety or to the peace,

he may grant a warrant for any of the purposes mentioned in paragraph (2).

(2) A warrant under this Article may authorise a constable or a member of the police support staff-

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
- (b) to seize and detain anything which he may find there, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting-
 - (i) that an offence under this Order has been, is being or is about to be committed; or
 - (ii) that, in connection with a firearm, imitation firearm or ammunition, there is a danger to public safety or to the peace.

(3) The power under paragraph (2)(b) to seize and detain anything found on any premises or place shall include power to require any information which is kept in any electronic form and is accessible from the premises or place to be produced in a readable form which can be taken away.

(4) Any person who intentionally obstructs a constable or a member of the police support staff in the exercise of his powers under this Article shall be guilty of an offence.

Section 23(3) Misuse of Drugs Act 1971

(3) If a lay magistrate is satisfied by information on oath that there is reasonable ground for suspecting-

(a) that any controlled drugs are, in contravention of this Act or of any regulations or orders made thereunder, in the possession of a person on any premises; or

(b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the United Kingdom, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

he may grant a warrant authorising any constable at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any person found therein and, if there is reasonable ground for suspecting that an offence under this Act has been committed in relation to any controlled drugs found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in paragraph (b) above, to seize and detain those drugs or that document, as the case may be.

Section 25 Theft Act (NI) 1969

Search for stolen goods.

25. - (1) If it is made to appear by information on oath before a lay magistrate that there is reasonable cause to believe that any person has in his custody or possession or on his premises any stolen goods, the lay magistrate may grant a warrant to search for and seize the same; but no warrant to search for stolen goods shall be addressed to a person other than a constable except under the authority of an enactment expressly so providing.

(3) Where, under this section, a person is authorised to search premises for stolen goods, he may enter and search the premises accordingly, and may seize any goods he believes to be stolen goods.

(5) This section is to be construed in accordance with section 23².

² *Scope of offences relating to stolen goods:*

23. - (1) The provisions of this Act relating to goods which have been stolen shall apply whether the stealing occurred in Northern Ireland or elsewhere, and whether it occurred before or after the commencement of this Act, provided that the stealing (if not an offence under this Act) amounted to an offence where and at the time when the goods were stolen; and references to stolen goods shall be construed accordingly.

(2) For purposes of those provisions, references to stolen goods shall include, in addition to the goods originally stolen and parts of them (whether in their original state or not)-

(a) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of the thief as being the proceeds of any disposal or realisation of the whole or part of the goods stolen or of goods so representing the stolen goods; and

(b) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of a handler of the stolen goods, or any part of them, as being the proceeds of any disposal or realisation of the whole or part of the stolen goods handled by him or of goods so representing them.

(3) But no goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person and any other person claiming through him have otherwise ceased as regards those goods to have any right to restitution in respect of the theft.

Electricity (NI) Order 1992 Schedule 6

Warrant to Authorise Entry

11. — (1) Where a justice of the peace is satisfied by complaint on oath—

(a) that admission to premises is reasonably required for the purpose specified in the complaint; and

(b) that a person authorised by an electricity supplier or an electricity distributor would, apart from paragraph 10, be entitled for that purpose to exercise in respect of the premises a power of entry conferred by this Schedule; and

(c) that—

(i) in the case of a right of entry under paragraph 8 an application for admission, or the serving of a notice under paragraph 8(2) or (3), would defeat the object of the entry; or

(ii) the premises are unoccupied,

he may issue a warrant under his hand authorising any authorised person to enter the premises.

(2) A warrant granted under this paragraph shall continue in force until—

(a) the time when the purpose for which the entry is required is satisfied; or

(b) the end of the period of 28 days from the day on which the warrant is granted,

whichever is the earlier.