



Home Office

Final Report on the Home Office Powers of Entry Review

November 2014

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Presented to Parliament pursuant to Section 42 (1)(c)
of the Protection of Freedoms Act 2012

November 2014



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PofEGateway@homeoffice.gsi.gov.uk

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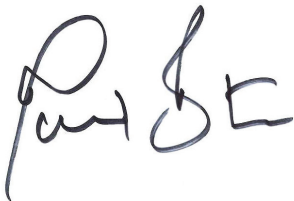
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Introduction by Minister

The Home Office has been the lead department driving forward the review of powers of entry, which was established under the Protection of Freedoms Act 2012 as part of the Government's agenda to roll back unnecessary intrusion into the lives of citizens, and ensure that the needs of law enforcement agencies are balanced with the rights and responsibilities of individuals.

As the Minister responsible for this area of policy I am delighted to be able to present this report to Parliament which – for the Home Office and across Government – sets out a reduction in the number of powers of entry which we think are needed. We have also been careful to review the necessity and proportionality of the powers that remain, and to ensure that proper safeguards are in place around their use. I think most people would agree that preventing and tackling crime, protecting our borders and dealing with the threat of terrorism are vitally important areas for law enforcement agencies to deal with. Nonetheless, it is right that those powers of entry to homes and places of work which are needed for effective law enforcement are exercised with proper regard for individuals. I believe our report, and those across Government departments, will achieve the right balance in this area.

A handwritten signature in black ink, appearing to read 'Lord Bates', written in a cursive style.

Lord Bates

Executive Summary

Powers of Entry (PoE) in legislation sponsored by the Home Office fall into a number of categories concerned with law enforcement. This includes areas such as drugs, policing, dealing with organised crime, protecting our borders and combating terrorism. Some areas, in particular policing, are already governed by statutory Codes of Practice, and a new Code is being developed specifically to cover PoE.

These areas of work have been reviewed to ensure that powers are still necessary and proportionate to their objectives, that they conform with the principles of the Review, and that suitable safeguards are in place – for example, the exercise of many of the powers requires a warrant or other judicial authorisation.

From a total of **99** PoE recognised by the Department, we are proposing to repeal **11**. **88** powers will remain in force and we propose to add further safeguards to **3** of these. Of those remaining, we are satisfied that they remain necessary and once proposed amendments are made, appropriate safeguards will apply to their use.

Home Office Powers of Entry

This section sets out our approach in the various policy areas for which the Home Office has responsibility.

Policing Powers under PACE (5 powers)

Police have a range of powers which are necessary to fight crime and tackle offending. The use of such powers is largely governed by the Codes of Practice issued under the Police and Criminal Evidence Act 1984 (PACE). Five powers were reviewed and all are being retained with the existing safeguards as provided for in PACE Code B. PACE Codes are subject to regular review and updating and have been looked at again in the context of this review.

These powers are necessary to ensure that the police have appropriate powers to prevent, detect and investigate crime and maintain the balance between the interests of the whole community in bringing offenders to justice and the rights and liberties of persons suspected or accused of crime.

Organised and Financial Crime (13 Powers)

PoE are needed to support both the police and other law enforcement agencies in tackling organised and serious acquisitive crime. The financial investigation powers are governed by Codes of Practice issued under the Proceeds of Crime Act 2002 (POCA) which will remain in place, and are regularly reviewed and updated. Officials have consulted various stakeholders on the need to retain the existing powers in this area, and on the use and proportionality of the existing provisions.

In relation to serious and organised crime, our approach has been to ensure that powers remain necessary to tackle crime, and are proportionate to their purpose. A range of safeguards are in place including the need to obtain either a court order or warrant, and it is considered that these powers are still necessary and are being retained.

Powers to tackle Terrorism (14 Powers)

Although powers under the Terrorism Act 2000 and other legislation play a vital role in tackling terrorism, it is equally important to balance the use of such powers with the rights of individuals. Officials have consulted various stakeholders on the need for powers in this area and on the use and proportionality of the 17 powers under consideration as part of this review.

A number of safeguards apply including obtaining warrants for the use of some powers, however some provide immediate powers for the police to enter and search premises. All are considered both necessary and proportionate to their purpose and are being retained.

Violent and Youth Crime Prevention (5 powers)

A number of police powers to enter premises arise under other legislation and have also been reviewed. These apply specifically to powers to search for knives and other offensive weapons, or for notification requirements under the Sexual Offences Act 2003, and are considered necessary for this purpose.

There are no alternative powers in legislation that target this criminal behaviour and these powers are needed to help safeguard the public in these areas.

Antisocial Behaviour and Hate Crime (9 powers)

Three powers of entry were repealed under the Anti-social Behaviour, Crime and Policing Act 2014. These relate to entry to premises to serve closure notices, the enforcement of closure orders and removal notices relating to graffiti and fly posting.

Two powers to enter and inspect premises have been repealed, and enhanced safeguards around powers to enter and inspect premises used by scrap metal dealers have been introduced under the Scrap Metal Dealers Act 2013.

Officials have consulted the police service about the use of powers of entry under sections 24 and 29H of the Public Order Act 1986 which relate to offences of stirring up hatred on the grounds of race, religion and sexual orientation. Although these powers are used rarely it has been decided that they should be retained.

Animals in Scientific procedures (1 power)

One power applies to Inspectors relating to the use of Animals in Scientific Procedures. Risk factors and assessment process were formalised in 2011 and were reconfirmed by ministers in June 2013. Inspectors undertake a risk assessment to guide their use of the power of entry.

This power is required to protect the welfare of animals and a warrant is required to exercise it. The power is being retained.

International Judicial Cooperation (11 powers)

A number of powers exist in relation to international co-operation, all of which are being retained.

Sections 16 and 17 of the Crime (International Co-operation) Act 2003 provide for a PoE in response to a request for search and seizure from an overseas authority and extend domestic powers under PACE for this purpose. These powers may be amended at a later date when the European Investigation Order is implemented.

PoE under the International Criminal Court Act 2001 have been reviewed. Powers under section 33 of ICCA implement international obligations to assist International Criminal Court investigations. There is therefore no scope to repeal this power.

We have also reviewed two separate powers of entry in article 13(3) and article 23(3) of the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 to see whether they could be merged with the PoE under the Proceeds of Crime Act 2002. However, these powers serve different purposes and are considered to be necessary and proportionate.

Powers under the Extradition Act 2003 are necessary to enable police officers to assist in obtaining evidence pursuant to extradition requests from UK's extradition partners. Although the sections under the 2003 Act and PACE are similar in framework, they are different in purpose and object and PACE powers cannot usefully be applied for extradition purposes.

Immigration and Border control (17 powers)

PoE play a vital part in protecting the public from harm caused by illegal immigration and other abuses of the immigration system. A review of the powers available to Immigration Officers and the Immigration Services Commissioner has been carried out.

A number of safeguards apply including obtaining warrants for the use of some powers, however some provide for immediate entry to facilitate an arrest in relation to immigration offences.

Firearms (3 powers)

Firearms matters remain complex and police forces have stressed that they rely on powers of entry as a last resort, using them to ensure public safety at all times, when consent is not achievable. We are satisfied that current safeguards are sufficient, and that these powers are required in the interests of public safety.

Private Security Industry (1 power)

The Security Industry Authority has the power of entry under section 19 of the Private Security Industry Act 2001 to enable an authorised person to enter premises owned or occupied by a regulated person (other than premises occupied for residential purposes). It has one power of entry to premises and, although this is used occasionally in the most serious cases of non-compliance, the review has concluded that it is still required and should be retained. However, an additional safeguard will be added that will require the need to obtain a warrant if consent to enter a domestic dwelling is refused.

Drugs Enforcement and Alcohol Licensing (14 powers)

The powers of entry relating to alcohol licensing are important tools in safeguarding the public and enforcing licensing regulations. We consulted on potential amendments to these powers and gave careful consideration to achieve the right balance between providing sufficient safeguards and the need to protect the public and enforce the law. The consensus that emerged from this consultation was that any change to these powers would undermine enforcement activity. We have therefore decided to maintain the existing powers as they stand.

We also consulted on the powers under the Drug Trafficking Act 1994 and have decided that there are sufficient grounds to proceed with repealing the powers under section 55(5) and section. This will contribute to the Coalition Government's commitment to significantly reduce the overall number of powers.

Miscellaneous powers (6 powers)

There are a number of stand-alone miscellaneous powers. We have consulted widely and concluded that powers to provide police officers with tools to deal with raves, seize vehicles used in an anti-social manner, monitor compliance of licensed sex establishments and investigate quasi-military groups are necessary and proportionate. We have concluded that these four powers should remain unchanged.

Powers to enter premises to inspect compliance with rules relating to non-medicinal poisonous substances are currently available to local authorities and the pharmaceuticals regulator. We propose to remove the power from local authorities and will consult on adding safeguards to the exercise of this power by the regulator.

We will repeal a power that enabled inspection of the storage by registered bodies of criminal record certificates. This power has become redundant following the introduction of new arrangements for the issue of criminal record certificates in 2013.

Outcomes relating to specific powers

Anti-social Behaviour Act 2003

1. **s1(7A) of the Anti-social Behaviour Act 2003:** Enables a constable to enter premises to serve notice.

Outcome: Repealed by the Anti-social Behaviour, Crime and Policing Act 2014.

2. **s3(2)(a) & s3(5) of the Anti-social Behaviour Act 2003:** Enables a constable to enter premises to serve enforcement of closure orders made under s2 of the Act.

Outcome: Repealed by the Anti-social Behaviour, Crime and Policing Act 2014.

3. **s48 of the Anti-social Behaviour Act 2003:** Enables a constable to enter premises/land to serve Defacement Removal notices (graffiti & fly posting).

Outcome: Repealed by the Anti-social Behaviour, Crime and Policing Act 2014.

Proceeds of Crime Act 2002

4. **s49 Proceeds of Crime Act 2002:** Enables a court appointed management receiver to enter any premises in England and Wales to take possession of property pending conviction and confiscation.

Outcome: Retain – A court order is required. This power is needed to preserve and realise criminal assets as part of the Government's Serious and Organised Crime Strategy to tackle and reduce the harm from serious organised crime. The power is used by court appointed management receivers in order to gain entry to premises and remove assets and/or records of a corporate entity or business in which the defendant holds an interest.

5. **s51 Proceeds of Crime Act 2002:** Enables a court appointed enforcement receiver to enter into any premises in England and Wales to take possession, manage and realise property.

Outcome: Retain – A court order is required. This power is needed to tackle serious crime by enabling more effective enforcement of confiscation orders. Law enforcement agencies need these powers to enable them to relentlessly pursue the criminal assets of organised criminals and money launderers, thus reducing the harm caused to the UK from serious and organised crime.

6. **s289 Proceeds of Crime Act 2002:** Enables an officer who is lawfully on premises to search for cash.

Outcome: Retain – Where circumstances allow prior authorisation should be obtained from a Justice of the Peace. This power is needed to enable law enforcement to pursue criminal assets of organised criminals, and money launderers, and contributes to the reduction of harm caused to the UK from organised crime.

7. **s347 Proceeds of Crime Act 2002:** Grants an appropriate officer entry with a production order to premises to obtain access to material.

Outcome: Retain – Requires a court order. Law enforcement require this power to pursue the criminal assets of organised criminals and money launderers, thus contributing to the reduction of harm caused to the UK by organised crime.

8. **s352 Proceeds of Crime Act 2002:** Enables a search and seizure warrant to be granted by the court authorising an appropriate person to enter and search premises as part of an investigation.

Outcome: Retain – Requires a warrant. Law enforcement require this power to pursue the criminal assets of organised criminals and money launderers, thus contributing to the reduction of harm caused to the UK by organised crime.

9. **ss 246 and 247 (and Schedule 6) Proceeds of Crime Act 2002:** The Court may make an Interim Receiving Order. This is an order for the detention, custody or preservation of property, pending an investigation by a Court appointed Interim Receiver into whether property is the proceeds of crime and therefore recoverable. The Interim Receiver can have a power to enter premises.

Outcome: Retain – Requires a court order. In circumstances where an Interim Receiver is appointed by the court and in consequence, the enforcement authority is no longer able to apply for a s352 POCA 2002 search and seizure Warrant, the Interim Receiver's ability to conduct a full and proper investigation on behalf of the court by exercising a power of entry, search and seizure would be severely prejudiced. There would be an obvious risk that material which could have been seized by the Interim Receiver under such a power could be destroyed or removed from the jurisdiction, thus thwarting efforts to properly enforce confiscation orders.

10. **s47D Proceeds of Crime Act 2002: (Not yet commenced).** Provides search and seizure powers in England and Wales to prevent the dissipation of realisable property that may be used to satisfy a confiscation order. The property may be seized in anticipation of a confiscation order being made. If a confiscation order is made, the property may be sold in order to satisfy the order.

Outcome: Retain – Prior authority of a Justice of the Peace should be obtained if practicable. Law enforcement require this power to pursue the criminal assets of organised criminals and money launderers, thus contributing to the reduction of harm caused to the UK by organised crime.

11. **Article 16(3) of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005:** Permits the court to confer on the receiver (appointed under Article 15) power to enter any premises in England and Wales to search for anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is authorised to remove in pursuance of an order of the court. This mirrors s49 of the same Act but is in the context of the UK providing assistance to other countries.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

12. **Article 28(3) of the Proceeds of Crime Act 2002 (External Requests and Orders)**
Order 2005: Permits the court to confer on the receiver (appointed under Article 27) power to enter any premises in England and Wales to search for anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is authorised to remove in pursuance of an order of the court.
- Outcome: Retain** – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.
13. **Article 29(3) of the Proceeds of Crime Act 2002 (External Requests and Orders)**
Order 2005: Permits the court to confer on the receiver (appointed under Article 27) power to enter any premises in England and Wales to search for anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is authorised to remove in pursuance of an order of the court.
- Outcome: Retain** – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.
14. **Sch2, Para 3 of the Proceeds of Crime Act 2002 (External Requests and Orders)**
Order 2005: Permits the interim receiver or administrator powers to enter any premises in the United Kingdom to search for anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is authorised to remove as evidence in the proceedings under Chapter 2 of Part 5.
- Outcome: Retain** – The power derives from the initial court order appointing the interim receiver or administrator. It is wholly proportionate in the circumstances.

Serious Organised Crime and Police Act 2005

15. **s66 of the Serious Organised Crime and Police Act 2005:** Enables a constable to enter and seize documents not produced pursuant to a Disclosure Notice (or where it is impractical or prejudicial to an investigation to serve such a Notice). This relates to Part 2 Investigations, Prosecutions, Proceedings and Proceeds of Crime.
- Outcome: Retain** – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Biological Weapons Act 1974

16. **s4 Biological of the Weapons Act 1974:** Permits a constable and other named persons to enter, search and seize documents and materials to help prevent the development or use of biological weapons.
- Outcome: Retain** – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Terrorism Act 2000

17. **s42 of the Terrorism Act 2000:** Permits search of premises for person liable to arrest under s41 of the Act – suspected of being a terrorist.

Outcome: Retain – Warrant required. Power is necessary to search premises where a person subject to arrest on suspicion of being a terrorist may be.

18. **Schedule 5, para 1 of the Terrorism Act 2000:** Enables a constable to search premises and anyone found there for the purposes of a terrorist investigation.

Outcome: Retain – Requires a warrant. The power is necessary to obtain evidence relevant to terrorist investigations.

19. **Schedule 5, para 2 of the Terrorism Act 2000:** Enables entry search and seizure of material which may be relevant to terrorist investigations.

Outcome: Retain – A warrant is required. It does not relate to a specific offence, and is needed to search and seize evidence on non residential premises in a terrorist investigation.

20. **Schedule 5, para 3 of the Terrorism Act 2000:** Enables search and seizure of evidence relevant to terrorist investigations within a specified area.

Outcome: Retain – Must be authorised by a Police Superintendent based on reasonable grounds that evidence may be present in a specified area. This power is necessary to obtain evidence relating to terrorist investigations.

21. **Schedule 5, para 5 of the Terrorism Act 2000:** An order under this paragraph may require a specified person to provide to a constable any material he has in his possession for the purposes of seizure and retention; to give the constable access to the material and to state to the best of his knowledge the location of the material to which the application relates.

Outcome: Retain – Requires a court order and considered necessary to obtain excluded or special procedure evidence relevant to terrorist investigations.

22. **Schedule 5, para 11 of the Terrorism Act 2000:** Enables entry to seize relevant excluded or special procedure material required for investigation of terrorist cases.

Outcome: Retain – A warrant is required. The power is considered necessary to obtain material which may be relevant to terrorist investigations.

Terrorism Act 2006

23. **s28 of the Terrorism Act 2006:** Enables a constable to enter and search any premises, and seize any terrorist publications.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Anti-terrorism, Crime and Security Act 2001

24. **s52 of the Anti-terrorism, Crime and Security Act 2001:** Enables a constable to enter and remove nuclear, chemical or biological weapons.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

25. **s65 and s66 Anti-terrorism, Crime and Security Act 2001:** Enables entry to sites to inspect security applying to pathogens and toxins, and to search for and seize dangerous substances.

Outcome: Retain – The power is necessary to ensure compliance with regulations concerning the safe storage of dangerous substances and to search and seize such substances if necessary. A warrant is required where an occupier refuses to allow entry.

Terrorism Prevention and Investigation Measures Act 2011

26. **Schedule 5, para 5 of the Terrorism Prevention and Investigation Measures Act 2011:** Enables a constable to enter and search premises to locate an individual for the purpose of serving a Terrorism Prevention and Investigation Measures (TPIM) notice.

Outcome: Retain – This power ensures that a TPIM notice is served on an individual, which is vital on national security grounds.

27. **Schedule 5, para 6 of the Terrorism Prevention and Investigation Measures Act 2011:** Enables a constable to enter and search of individual on premises at time of serving a TPIM notice for the purpose of discovering anything that might breach any measure specified in the TPIM notice.

Outcome: Retain – This power is necessary as it ensures that TPIM subjects comply with the TPIM notice, for national security reasons.

28. **Schedule 5, para 7 of the Terrorism Prevention and Investigation Measures Act 2011:** Enables a constable to enter and search any premises on suspicion that an individual subject to a TPIM notice has absconded.

Outcome: Retain – This power is required to ascertain whether someone has absconded from a TPIM notice, which is a criminal offence.

29. **Schedule 5, para 8 of the Terrorism Prevention and Investigation Measures Act 2011:** Enables a constable to enter and search an individual or premises for the purposes of determining whether the individual is complying with the measures specified in the TPIM notice.

Outcome: Retain – A warrant condition is attached. This power is necessary as it ensures that TPIM subjects comply with the TPIM notice, for national security reasons.

Police and Criminal Evidence Act 1984

30. **s8 of the Police and Criminal Evidence Act 1984:** Enables a constable to enter and search any premises, with a warrant, if there are reasonable grounds to believe that the object of the search which is evidence of an indictable offence, may be found within the premises.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

31. **s9 of, and Schedule 1 to the Police and Criminal Evidence Act 1984:** Enables a constable to enter and search any premises, with a warrant, if there are reasonable grounds to believe that the object of the search which is evidence of an indictable offence, may be found within the premises.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

32. **s17 of the Police and Criminal Evidence Act 1984:** s17(1)(b) enables a constable to enter and search any premises, to arrest a person for any indictable offence. Entry is allowed if there are reasonable grounds to believe that the person whose arrest under s24 of PACE for an indictable offence is necessary is on the premises. s17(1)(e) enables a constable to enter and search to save life or limb or prevent serious property damage.

Outcome: Retain – This is necessary as it ensures the police have appropriate powers to prevent, detect and investigate crime and to prevent loss of life and serious damage to property.

33. **s18 of the Police and Criminal Evidence Act 1984:** s18(1)(a) enables a constable to enter any premises, and search to find evidence relating to an indictable offence for which a person has been arrested by a constable. Entry is allowed into the premises occupied or controlled by the arrested person, where there are reasonable grounds to suspect that the object of the search may be found. s18(1)(b) enables a constable to and search to find evidence relating to an indictable offence which is similar to, or connected with, the indictable offence for which the person has been arrested.

Outcome: Retain – Prior authority of an inspector is required unless urgent. This is necessary as it ensures the police have appropriate powers to prevent, detect and investigate crime. This power may only be exercised following the arrest of an individual.

34. **s32(2)(b) of the Police and Criminal Evidence Act 1984:** Enables a constable to enter and search any premises, to find evidence of an indictable offence for which a person has been arrested by a constable. Entry is allowed into the premises where the person was when arrested or immediately before being arrested, if there are reasonable grounds to believe that the object of the search may be found.

Outcome: Retain – This is necessary as it ensures the police have appropriate powers to prevent, detect and investigate crime. This power may only be exercised following the arrest of an individual.

Police Act 1997

35. **Regulation 8 of the Police Act 1997 (Criminal Records) (Registration) Regulations:** Enables entry to premises of bodies registered for the handling of criminal record certificates to ensure compliance with the conditions of registration.

Outcome: Repeal – This power is no longer necessary following changes to the arrangements for the issuing of criminal record certificates.

36. **s92 and s96 Police Act 1997:** This power enables police to enter premises to maintain or retrieve any equipment, apparatus or device, the placing or use of which has been authorised by this Act or by Part II of the Regulation of Investigatory Powers Act 2000 or under an equivalent Act of Scottish Parliament. This action must have been for the purposes of preventing or detecting serious crime. This is a covert entry power.

Outcome: Retain – Repealing this power would reduce the effectiveness of police operations and would create a lack of opportunity to gather evidence leading to a reduced ability of the police to protect the public. This would be detrimental to crime and other investigations for which the police use this power.

Sexual Offences Act 2003

37. **s96B of the Sexual Offences Act 2003:** Enables a constable to enter and search the relevant offender's home address to assess the risks posed by the offender.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Licensing Act 2003

38. **s59 of the Licensing Act 2003:** Enables a constable or an authorised person to enter and inspect the premises to which the application relates, before a licence is granted. In this section, "relevant application" means an application under s17 (grant of licence), s29 (provisional statement), s34 (variation of licence) or s51 (review of licence).

Outcome: Retain – This is a necessary and proportionate power that relates only to licensed premises.

39. **s90 of the Licensing Act 2003:** Enables a constable or an authorised person to enter the premises to gather evidence that the club which holds a club premises certificate does not satisfy the conditions for being a qualifying club.

Outcome: Retain – Warrant condition is attached. This power is necessary for ensuring that premises are compliant with the requirements of a club premises certificate.

40. **s96 of the Licensing Act 2003:** Enables a constable or an authorised person to enter and inspect the premises to which the application relates, before a club premises certificate is granted. In this section, the application relates to an application for the grant, variation or review of a club premises certificate.

Outcome: Retain – This is a necessary and proportionate power that relates only to club premises.

41. **s97 of the Licensing Act 2003:** Enables a constable to enter and search club premises where a reasonable cause to believe that certain offences in respect of controlled drugs have been, or are being, or are about to be, committed on those premises, or there is likely to be a breach of the peace.

Outcome: Retain – This is a necessary and proportionate power that relates only to club premises.

42. **s108 of the Licensing Act 2003:** Enables a constable or an authorised person to enter and assess the premises of the likely effect of a Temporary Event Notice (TEN) on the promotion of the crime prevention objective.

Outcome: Retain – This is a necessary and proportionate power that relates only to club premises to which a TEN applies.

43. **s179 of the Licensing Act 2003:** Enables a constable or an authorised person to enter the premises where a reasonable cause to believe that any premises are being, or are about to be used for a licensable activity, with a view to establishing whether the activity is being, or is to be carried on under and in accordance with an authorisation. In this section, ‘authorisation’ means a premises licence, a club premises certificate or a temporary event notice.

Outcome: Retain – This is a necessary and proportionate power for enforcement of the licensing regime.

44. **s180 of the Licensing Act 2003:** Enables a constable to enter and search the premises where there is reasonable cause to believe that an offence under the Act has been, is being or is about to be committed. A constable exercising a power conferred by this section may, if necessary, use reasonable force.

Outcome: Retain – This is a necessary and proportionate power for enforcement of the licensing regime.

Criminal Justice and Police Act 2001

45. **s25 of the Criminal Justice and Police Act 2001:** Enables a constable or an authorised person to enter any premises (if necessary using reasonable force) for the purpose of securing compliance with a closure order under s21 of the Act. An order under s21 can only be made by a magistrates’ court, on the application of a local authority or a police constable, following a hearing.

Outcome: Retain – This is a necessary and proportionate power that may only be exercised following a court order.

Misuse of Drugs Act 1971

46. **s23 (1) of the Misuse of Drugs Act 1971:** Enables a constable or an authorised person to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs, and to inspect any books or documents relating to dealings in any such drugs, and to inspect any stocks of any such drugs.

Outcome: Retain – This power provides the legal basis under which an inspection visit can occur. Entry to premises of Home Office licensees is often by mutual consent however, this provision would be necessary to enter premises where compliance was not forthcoming.

47. **s23 (2) of the Misuse of Drugs Act 1971:** Enables a constable, where there are reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of the Act or of any regulations, to search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it. The constable can seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search which appears to the constable to be evidence of an offence under this Act.

Outcome: Retain – Warrant condition is attached. This power is necessary as it provides a mechanism for a vehicle or vessel to be searched on suspicion of containing controlled drugs.

48. **s23 (3) of the Misuse of Drugs Act 1971:** Enables a constable to enter (subject to a warrant authorised by a Justice of the Peace), the premises named in the warrant, if necessary using reasonable force, and to search the premises and any persons found therein and, if there are reasonable grounds for suspecting that an offence under this Act has been committed.

Outcome: Retain – Warrant condition is attached. This power is necessary for investigating drug related offences.

49. **s23A of the Misuse of Drugs Act 1971:** Enables a constable, where there are reasonable grounds to suspect that a person is in possession of a temporary class drug, to search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it. The constable can seize and detain anything found in the course of the search which appears to be a temporary class drug or evidence of an offence committed under the Act.

Outcome: Retain – Warrant condition is attached. This is a power to search, seize and detain, designed specifically for drugs subject to a temporary class drug order.

Drug Trafficking Act 1994

50. **s55 (5) of the Drug Trafficking Act 1994:** Enables a constable, with an order from a judge, to enter the premises to obtain access to the material for the purpose of an investigation into drug trafficking (or obtain an order for this material to be produced).

Outcome: Repeal – This power is no longer necessary. Part of the original provision that related to the benefit from drug trafficking was removed and superseded by the Proceeds of Crime Act 2002. There are existing powers under the Police and Criminal Evidence Act 1984 that can be used instead in other circumstances.

51. **s56 of the Drug Trafficking Act 1994:** Enables a constable, for the purpose of an investigation into drug trafficking, to apply to a judge for a warrant under this section in relation to specified premises to enter and search the premises.

Outcome: Repeal – This power is no longer necessary. Part of the original provision that related to the benefit from drug trafficking was removed and superseded by the Proceeds of Crime Act 2002. There are existing powers under the Police and Criminal Evidence Act 1984 that can be used instead in other circumstances.

Animals (Scientific Procedures) Act 1986

52. **s25 of the Animals (Scientific Procedures) Act 1986:** Enables a constable to enter any place where there are reasonable grounds to believe that an offence under this Act has been or is being committed at that place.

Outcome: Retain – Warrant condition is attached. This power is necessary as it provides a mechanism for the protection of animals used for experimental or other purposes.

Criminal Justice and Public Order Act 1994

53. **s64 of the Criminal Justice and Public Order Act 1994:** Enables a constable to enter land and seize vehicles and/or sound equipment where there is reasonable cause to believe that circumstances exist in relation to any land which would justify the giving of a direction under s63. The purpose of entry is to ascertain if circumstances exist for which a s63 direction could be given, to exercise a power conferred by s63 (power to direct persons gathering on land for a rave) and to seize vehicles and/or sound equipment.

Outcome: Retain – This power is necessary as it enables the police to intervene swiftly and deal with the unauthorised occupation of land. It enables pre-emptive action to stop a rave before it gets underway and minimise negative impacts on community at large.

Police Reform Act 2002

54. **s59 (3c) of the Police Reform Act 2002:** Enables a constable to enter any premises (if necessary using reasonable force) and seize motor vehicles where a reasonable cause to believe that they are being, or have been used in a manner causing alarm, distress or annoyance. This power does not authorise entry into a private dwelling house.

Outcome: Retain – This power is necessary as it enables the police to take action to protect public safety whilst solving an antisocial behaviour issue. There are no alternative powers that could be used for the same purpose, specifically the seizure of the motor vehicle for antisocial behaviour related offences.

Public Order Act 1986

55. **s24 of the Public Order Act 1986:** Enables a constable, if there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of s23 of the Act (racially inflammatory material) to enter and search the premises where it is suspected the material or recording is situated.

Outcome: Retain – Warrant condition is attached. This power is necessary as removing it would run the risk of reducing powers to tackle hate crime.

56. **s29H of the Public Order Act 1986:** Enables a constable, if there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of s29G of the Act (religious hatred and hatred on the grounds of sexual orientation) to enter and search the premises where it is suspected the material or recording is situated.

Outcome: Retain – Warrant condition is attached. This power is necessary as removing it would run the risk of reducing powers to tackle hate crime.

Public Order Act 1936

57. **s2 (5) of the Public Order Act 1936:** Enables a constable to enter and search premises and search persons found there, and to seize anything found on the premises or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of an offence in relation to quasi-military organisations.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Knives Act 1997

58. **s5 of the Knives Act 1997:** Enables a constable to enter any premises and search for knives and marketing materials in relation to the unlawful marketing of knives, and seize and remove any that he finds.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Crossbows Act 1987

59. **s4 of the Crossbows Act 1987:** Enables a constable to enter and search vehicle and land (other than a dwelling).

Outcome: Retain – This power is necessary to ensure police are able to enforce the law which prohibits unsupervised possession by under 18's of potentially lethal crossbows. The power excludes access to private dwellings.

Firearms (Amendment) Act 1988

60. **s15(7) of the Firearms (Amendment) Act 1988:** Enables a constable to enter and search approved rifle and muzzle-loading pistol clubs.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Firearms Act 1968

61. **s47 of the Firearms Act 1968:** Enables a constable to stop and search for unlawfully held firearms.

Outcome: Retain – The police at all times aim to search by consent, but where that consent is not given, the police would apply for a warrant under s46 of the Act.

62. **s46 of the Firearms Act 1968:** Enables a constable to stop and search with a warrant for unlawfully held firearms.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Criminal Justice Act 1988

63. **s139B of the Criminal Justice Act 1988:** If a constable has reasonable grounds for suspecting that an offence under s139A of this Act is being, or has been, committed, s139B enables him to enter school premises and search those premises and any person on those premises for articles with a blade or point or offensive weapons.

Outcome: Retain – The police mainly use this power for their knife arches operations in schools as part of a preventative approach to knife crime.

64. **s142 of the Criminal Justice Act 1988:** Enables a constable to enter and search any premises for knives and offensive weapons. Before issuing a warrant, a justice of the peace has to be satisfied that there are reasonable grounds for believing that knives or offensive weapons are on premises, or that an offence under s1 of the Restriction of Offensive Weapons Act 1959 or s141 of this Act has been or is being committed in relation to them.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

Crime (International Co-operation) Act 2003

65. **s17 of the Crime (International Co-operation) Act 2003:** Enables a constable or an authorised person to enter and search any premises and to seize and retain any evidence for which he is authorised to search. This is pursuant to a request for assistance received from overseas authorities.

Outcome: Retain – Warrant condition is attached. This power is necessary as it provides a mechanism for the UK to respond to a request for search and seizure from an overseas authority. It may be amended at a later date when the European Investigation Order is implemented.

66. **s22 of the Crime (International Co-operation) Act 2003:** Enables a constable or an authorised person to enter any premises to which the overseas freezing order relates and search the premises to the extent reasonably required for the purpose of discovering any evidence to which the order relates, and to seize and retain any evidence for which he is authorised to search.

Outcome: Retain – Warrant condition is attached. This power implements one of the key measures set out in the Freezing Orders Framework Decision (i.e. the requirement to execute an overseas order to freeze evidence for its subsequent use in any proceedings or investigation in a participating country, where the order is made by a court or other authority in that country).

International Criminal Courts Act 2001

67. **s33 of the International Criminal Courts Act 2001:** Enables a constable to enter and search any premises, and seize evidence relating to an International Criminal Court (ICC) crime investigation.

Outcome: Retain – Warrant condition is attached. This power is necessary as it provides a mechanism for the UK to comply with a request from the ICC and thus, fulfil international obligations.

68. **s37 of the International Criminal Courts Act 2001:** Enables a constable to enter and search any premises, where the International Criminal Court (ICC) has made a request for assistance in ascertaining whether a person has benefited from an ICC crime, or in identifying the extent or whereabouts of property derived directly or indirectly from an ICC crime.

Outcome: Retain – Warrant condition is attached. This power is necessary as it provides a mechanism for the UK to comply with a request from the ICC and thus, fulfil international obligations.

Extradition Act 2003

69. **s156 of the Extradition Act 2003:** Enables a constable to enter and search premises specified in the warrant, to seize and retain any material found there which falls within s156(6) (extradition requests).

Outcome: Retain – Warrant condition is attached. This power is necessary to enable police officers to obtain material in an extradition case.

70. **s160 of the Extradition Act 2003:** Enables a constable to enter and search the specified premises, to seize and retain any relevant special procedure and/or excluded material if the warrant states that the warrant is sought in relation to such material.

Outcome: Retain – Warrant condition is attached. This power is necessary to enable police officers to assist in obtaining evidence pursuant to extradition requests from UK's extradition partners.

71. **s161 of the Extradition Act 2003:** Enables a constable to enter and search any premises for the purpose of exercising the power of arrest, under an extradition arrest power, if he has reasonable grounds for believing that the person to whom an extradition request applies is on the premises.

Outcome: Retain – Warrant condition is attached. This power is necessary to enable police officers to exercise the power of arrest for the purposes of extradition.

72. **s162 of the Extradition Act 2003:** Enables a constable to enter and search any premises in which the person was at the time of his arrest or immediately before his arrest if there are reasonable grounds for believing that (if the person has not been convicted), there is evidence relating to the offence, or there is otherwise evidence relating to the identity of that person on the premises.

Outcome: Retain – Warrant condition is attached. This power is necessary to enable police officers to obtain material in an extradition case.

73. **s164 of the Extradition Act 2003:** Enables a constable to enter and search any premises occupied or controlled by the person, after an arrest, if the constable has reasonable grounds for suspecting that (if the person has not been convicted), there is evidence relating to the offence, or there is otherwise evidence relating to the identity of that person on the premises.

Outcome: Retain – Warrant condition is attached. This power is necessary to enable police officers to obtain material in an extradition case.

The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005

74. **Article 13(3) of the Criminal Justice (International Co-operation) Act 1990:** Enables a management receiver appointed by the court to enter any premises in England and Wales to search for or inspect anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is required or authorised to take possession of in pursuance of an order of the court.

Outcome: Retain – The court by order confers on the receiver power to enter premises. This power is necessary as enables the UK to restrain the instrumentalities of crime in response to international requests.

75. **Article 23(3) of the Criminal Justice (International Co-operation) Act 1990:** Enables an enforcement receiver appointed by the court to enter any premises in England and Wales to search for or inspect anything authorised by the court, make or obtain a copy, photograph or other record of anything so authorised and remove anything which the receiver is required or authorised to take possession of in pursuance of an order of the court.

Outcome: Retain – The court by order confers on the receiver power to enter premises. This power is necessary as enables the UK to confiscate the instrumentalities of crime in response to international requests.

Poisons Act 1972

76. **s9 of the Poisons Act 1972:** Enables an inspector appointed by the General Pharmaceutical Council (GPhC) to enter any registered pharmacy for the purpose of securing compliance by other persons with the preceding provisions of this Act and with the Poisons Rules. The inspector can carry out examination and inquiry and to do such other things (including the taking, on payment, of samples) as may be necessary for ascertaining whether those provisions and Rules are being complied with. s9 also enables an inspector appointed by the local authority to enter any premises on which any person whose name is entered in a local authority's list carries on business, and any premises on which the inspector has reasonable cause to suspect that a breach of the law has been committed in respect of any substances. The inspector can carry out examination and inquiry and to do such other things (including the taking, on payment, of samples) as may be necessary for the purposes of the inspection.

Outcome: Retain – Powers to enter premises to inspect compliance with rules relating to non-medicinal poisonous substances is currently under review as part of a wider piece of work relating to EU regulation 98/2013. Consultation on changes is ongoing with the regulators of poisons which includes the General Pharmaceutical Council and Local Authorities. The changes under the work will seek to introduce **further safeguards** for the public against intrusion into private life in comparison to what s9 of the Poisons Act currently offers. Legislative reform to the Poisons Act will be delivered through the Deregulation Bill due to come into effect in 2015.

Local Government (Miscellaneous Provisions) Act 1982

77. **Schedule 3, para 25 of the Local Government (Miscellaneous Provisions) Act 1982:**

Enables a constable to enter and inspect any sex establishment with a view to ensuring conditions of the licence are complied with, if the constable has reason to suspect that an offence under paragraph 20, 21 or 23 of this Schedule has been, is being, or is about to be committed.

Outcome: Retain – Warrant condition is attached. This power is useful and necessary. Removing it would result in authorities being unable to prevent or detect crimes related to sex establishments. In addition, this power is necessary for the purposes of child protection.

Immigration Act 1971

78. **s28B of the Immigration Act 1971:** Enables a constable or an immigration officer to enter and search premises, and make an arrest with a warrant. This relates to Part III Criminal Proceedings.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

79. **s28C of the Immigration Act 1971:** Enables an immigration officer to enter premises, search and arrest without a warrant for offences under s25, s25A or s25B of the Act.

Outcome: Retain – This power provides a mechanism for an immigration officer to enter premises, search and arrest (without a warrant) for the most serious immigration offences. This power is necessary for the enforcement of immigration law and rules.

80. **s28CA of the Immigration Act 1971:** Enables a constable or an immigration officer to enter business premises and arrest without a warrant.

Outcome: Retain – This power is limited to business premises, and to specified immigration offences or for removal purposes. Its use must be authorised by the Secretary of State delegated to at least an Assistant Director for Immigration Officers, and by a Chief Superintendent for police officers. This power is necessary for the enforcement of immigration law and rules.

81. **s28D of the Immigration Act 1971:** Enables an immigration officer to enter and search premises with a warrant to search for relevant evidence of an immigration offence.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

82. **s28E of the Immigration Act 1971:** Enables an Immigration Officer to enter and search premises where person was when arrested or immediately before arrest.

Outcome: Retain – This power may only be used where the officer has reasonable grounds for believing that relevant evidence is on the premises. This power is necessary for the enforcement of immigration law and rules.

83. **s28F of the Immigration Act 1971:** Enables an Immigration Officer to enter and search premises occupied or controlled by the arrested person for evidence following an arrest under s25, s25A or s25B of the Act.

Outcome: Retain – This power is limited to premises occupied or controlled by the arrested person and to the most serious immigration offences. Entry must be accompanied by written authorisation from senior officer unless immediately post-arrest. This power is necessary for the enforcement of immigration law and rules.

84. **s28FB of the Immigration Act 1971:** Enables an Immigration Officer to enter business premises and search for personnel records, with a warrant.

Outcome: Retain – Limited to where an employer has provided inaccurate or incomplete information in response to a previous request. A warrant condition is attached.

85. **Schedule 2, para 17(2) of the Immigration Act 1971:** Enables a constable or an Immigration Officer to enter and arrest a person liable to be detained under Schedule 2, Paragraph 16 pending removal from the UK.

Outcome: Retain – This is a proportionate power with appropriate safeguards including a requirement to seek judicial authorisation in the form of a warrant.

86. **Schedule 2, para 25A(2) of the Immigration Act 1971:** Enables an Immigration Officer to enter premises occupied or controlled by an arrested person for the purpose of searching for relevant documents to facilitate removal.

Outcome: Retain – The exercise of this power must be authorised by a senior officer. The Immigration Act 2014 amended this to add a power to search other premises with a warrant. This power provides the authority for Immigration Officers to enforce UK immigration law and rules.

87. **Schedule 2, para 1(4) of the Immigration Act 1971:** Enables an Immigration Officer or medical inspector to board and enter a ship.

Outcome: Retain – This power is necessary for the enforcement of immigration law and rules.

88. **Schedule 2, para 1(5) of the Immigration Act 1971:** Enables an Immigration Officer to enter and search a ship, and anything on it.

Outcome: Retain – This power is necessary for the enforcement of immigration law and rules.

89. **Schedule 2, para 4(3) of the Immigration Act 1971:** Enables an Immigration Officer or a directed person to enter and search vehicle, ship or aircraft for documents requested during a Schedule 2 examination.

Outcome: Retain – This power is necessary for the enforcement of immigration law and rules.

Immigration and Asylum Act 1999

90. **s92A of the Immigration and Asylum Act 1999:** Enables the Information Services Commissioner, or a member of her staff authorised in writing, to enter any premises, with a warrant, if there are reasonable grounds for believing that an offence under s91 has been committed, there is material on the premises which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence, and any of the conditions specified in s92A (3) is satisfied.

Outcome: Retain – Warrant condition is attached. This power is necessary as it enables the Commissioner to investigate an offence in connection with the provision of immigration advice or immigration services by a registered person.

91. **Schedule 5, Paragraph 7 of the Immigration and Asylum Act 1999:** Enables the Information Services Commissioner, or a member of her staff authorised in writing, to enter any premises, if there are reasonable grounds for believing that particular premises are being used in connection with the provision of immigration advice or immigration services by a registered person.

Outcome: Retain – As this power extends to private dwelling, a **further safeguard** (a warrant condition) has been added by the Immigration Act.

92. **s125 of the Immigration and Asylum Act 1999:** Enables an authorised person to enter and inspect the accommodation of a supported person, if there are reasonable grounds for believing that the supported person or any dependants of his for whom the accommodation is provided is not resident in it, the accommodation is being used for any purpose other than the accommodation of the asylum-seeker or any dependant of his, or any person other than the supported person and his dependants (if any) is residing in the accommodation.

Outcome: Repeal – The power is not used and there are no plans to replace it. Contractual arrangements with accommodation providers provide access to the accommodation of persons receiving asylum support if necessary.

UK Border Act 2007

93. **s44(2) of the UK Border Act 2007:** Enables a constable or an immigration officer to enter, without a warrant, to search for evidence of nationality.

Outcome: Retain – This power is limited to premises occupied or controlled by the arrested person, or where the person was when arrested or immediately before that arrest. There must be reasonable suspicion that the arrestee may not be a British citizen and that the documents will be found on the premises. This must be authorised by a senior officer. This power provides the authority for Immigration Officers to enforce UK immigration law and rules.

94. **s45(2) of the UK Border Act 2007:** Enables a constable or an immigration officer to enter, with a warrant, to search for evidence of nationality.

Outcome: Retain – A warrant condition is attached. This power provides the authority for Immigration Officers to enforce UK immigration law and rules.

Vehicles (Crime) Act 2001

95. **s9 of the Vehicles (Crime) Act 2001:** Enables a constable to enter and inspect premises occupied by a motor salvage operator.

Outcome: Repeal – This power is no longer necessary.

96. **s9(3) of the Vehicles (Crime) Act 2001:** Enables a constable to enter and inspect, with a warrant, premises occupied by a motor salvage operator.

Outcome: Repeal – This power is no longer necessary.

Private Security Industry Act 2001

97. **s19 of the Private Security Industry Act 2001:** Enables an authorised person to enter non-dwelling premises owned or occupied by regulated persons.

Outcome: Retain – This power is necessary as without it, it would undermine the SIA's effectiveness in ensuring compliance where co-operation is not forthcoming, and in cases of non-compliance. However, we propose to add an **additional safeguard** of a warrant requirement to ensure the most proportionate use of this power of entry.

Scrap Metal Dealers Act 1964

98. **s6 of the Scrap Metal Dealers Act 1964:** Enables a constable or an authorised person to enter and inspect premises occupied by a scrap metal dealer.

Outcome: Repeal – This power is no longer necessary.

99. **s6(3) of the Scrap Metal Dealers Act 1964:** Enables a constable or an authorised person to enter and inspect, with a warrant, premises occupied by a scrap metal dealer.

Outcome: Repeal – This power is no longer necessary.

Annex: Summary of Home Office Powers

Statute	Section	Outcome
1) Anti-social Behaviour Act 2003	s1(7A) enables a constable to enter premises to serve closure notice.	Repeal
2) Anti-social Behaviour Act 2003	s3(2)(a) & s3(5) enables a constable to enter premises to serve enforcement of closure orders made under s2 of the Act.	Repeal
3) Anti-social Behaviour Act 2003	s48 enables a constable to enter premises/land to serve Defacement Removal notices (graffiti & fly posting).	Repeal
4) Proceeds of Crime Act 2002	Article 16(3), Order 2005 permits the court to confer on the receiver (appointed under Article 15) power to enter any premises in England and Wales to search for anything authorised by the court.	Retain
5) Proceeds of Crime Act 2002	Article 28(3), Order 2005 permits the court to confer on the receiver (appointed under Article 27) power to enter any premises in England and Wales to search for anything authorised by the court.	Retain
6) Proceeds of Crime Act 2002	Article 29(3), Order 2005 permits the court to confer on the receiver (appointed under Article 27) power to enter any premises in England and Wales to search for anything authorised by the court.	Retain
7) Proceeds of Crime Act 2002	Sch2, Para 3, Order 2005 permits the interim receiver or administrator powers to enter any premises in the United Kingdom to search for anything authorised by the court.	Retain
8) Proceeds of Crime Act 2002	s47D provides search and seizure powers in England and Wales to prevent the dissipation of realisable property that may be used to satisfy a confiscation order.	Retain
9) Proceeds of Crime Act 2002	s49 enables a court appointed management receiver to enter any premises in England and Wales to take possession of property pending conviction and confiscation.	Retain
10) Proceeds of Crime Act 2002	s51 enables a court appointed enforcement receiver to enter into any premises in England and Wales to take possession, manage and realise property.	Retain
11) Proceeds of Crime Act 2002	s246 & s247 enables a Court appointed Interim Receiver to conduct a full and proper investigation on behalf of the court by exercising a power of entry, search and seizure.	Retain
12) Proceeds of Crime Act 2002	s289 enables an officer who is lawfully on premises to search for cash.	Retain
13) Proceeds of Crime Act 2002	s347 grants an appropriate officer entry with a production order to premises to obtain access to material.	Retain
14) Proceeds of Crime Act 2002	s352 enables a search and seizure warrant to be granted by the court authorising an appropriate person to enter and search premises as part of an investigation.	Retain
15) Serious Organised Crime and Police Act 2005	s66 enables a constable to enter and seize documents not produced pursuant to a Disclosure Notice.	Retain

Statute	Section	Outcome
16) Biological Weapons Act 1974	s4 permits a constable and other named persons to enter, search and seize documents and materials to help prevent the development or use of biological weapons.	Retain
17) Terrorism Act 2006	s28 enables a constable to enter and search any premises, and seize and forfeit any terrorist publications.	Retain
18) Terrorism Act 2000	s42 permits search of premises for person liable to arrest under s41 of the Act.	Retain
19) Terrorism Act 2000	Schedule 5 Para 1 enables a constable to search premises and anyone found there for the purposes of a terrorist investigation.	Retain
20) Terrorism Act 2000	Schedule 5 Para 2 enables entry search and seizure of material which may be relevant to terrorist investigations.	Retain
21) Terrorism Act 2000	Schedule 5 Para 3 enables search and seizure of evidence relevant to terrorist investigations within a specified area.	Retain
22) Terrorism Act 2000	Schedule 5 Para 5 gives a constable access to the material and to state to the best of is knowledge the location of the material to which the application relates.	Retain
23) Terrorism Act 2000	Schedule 5 Para 11 enables entry to seize relevant excluded or special procedure material required for investigation of terrorist cases.	Retain
24) Anti-terrorism, Crime and Security Act 2001	s52 enables a constable to enter and remove weapons of mass destruction.	Retain
25) Anti-terrorism, Crime and Security Act 2001	s65 & s66 enable entry to sites to inspect security applying to pathogens and toxins, and to search for and seize dangerous substances.	Retain
26) Terrorism Prevention and Investigation Measures Act 2011	Schedule 5 Para 5 enables a constable to enter and search premises to locate an individual for the purpose of serving a TPIM notice.	Retain
27) Terrorism Prevention and Investigation Measures Act 2011	Schedule 5 Para 6 enables a constable to enter and search of individual on premises at time of serving a TPIM notice for the purpose of discovering anything that might breach any measure specified in the TPIM notice.	Retain
28) Terrorism Prevention and Investigation Measures Act 2011	Schedule 5 Para 7 enables a constable to enter and search any premises on suspicion that an individual subject to a TPIM notice has absconded.	Retain
29) Terrorism Prevention and Investigation Measures Act 2011	Schedule 5 Para 8 enables a constable to enter and search an individual or premises for the purposes of determining whether the individual is complying with the measures specified in the TPIM notice.	Retain
30) Police and Criminal Evidence Act 1984	s8 enables a constable to enter and search any premises, with a warrant, if there are reasonable grounds to believe that the object of the search may be found within the premises.	Retain
31) Police and Criminal Evidence Act 1984	s9 enables a constable to enter and search any premises, with a warrant, if there are reasonable grounds to believe that the object of the search may be found within the premises.	Retain
32) Police and Criminal Evidence Act 1984	s17 enables a constable to enter any premises, and arrest a person for any Indictable Offence, and to save life or limb or prevent serious property damage.	Retain
33) Police and Criminal Evidence Act 1984	s18 enables a constable to enter any premises, and search to find evidence relating to an IO.	Retain

Statute	Section	Outcome
34) Police and Criminal Evidence Act 1984	s32(2)(b) enables a constable to enter and search any premises, to find evidence of an IO.	Retain
35) Police Act 1997	(Criminal Records) (Registration) Regulations 2006 – Reg 8 enables a person authorised by the Secretary of State to enter any premises owned or occupied by any person appearing to him to be a registered person or an individual nominated in accordance with Reg 4, other than premises occupied exclusively for residential purposes as a private dwelling.	Repeal
36) Police Act 1997	s92 & s96 enables police to enter premises to maintain or retrieve any equipment, apparatus or device, the placing or use of which has been authorised by this Act.	Retain
37) Sexual Offences Act 2003	s96(B) enables a constable to enter and search the relevant offender's home address.	Retain
38) Licensing Act 2003	s59 enables a constable or an authorised person to enter and inspect the premises to which the application relates, before a licence is granted.	Retain
39) Licensing Act 2003	s90 enables a constable or an authorised person to enter the premises to gather evidence that the club which holds a club premises certificate does not satisfy the conditions for being a qualifying club.	Retain
40) Licensing Act 2003	s96 enables a constable or an authorised person to enter and inspect the premises to which the application relates, before a club premises certificate is granted.	Retain
41) Licensing Act 2003	s97 enables a constable to enter and search club premises where a reasonable cause to believe that certain offences in respect of controlled drugs have been, or are being, or are about to be, committed on those premises, or there is likely to be a breach of the peace.	Retain
42) Licensing Act 2003	s108 enables a constable or an authorised person to enter and assess the premises of the likely effect of a Temporary Event Notice (TEN) on the promotion of the crime prevention objective.	Retain
43) Licensing Act 2003	s179 enables a constable or an authorised person to enter the premises where a reasonable cause to believe that any premises are being, or are about to be used for a licensable activity, with a view to establishing whether the activity is being, or is to be carried on under and in accordance with an authorisation.	Retain
44) Licensing Act 2003	s180 enables a constable to enter and search the premises where there is reasonable cause to believe that an offence under the Act has been, is being or is about to be committed.	Retain
45) Criminal Justice and Police Act 2001	s25 enables a constable or an authorised person to enter any premises (if necessary using reasonable force) for the purpose of securing compliance with a closure order under s21 of the Act.	Retain
46) Misuse of Drugs Act 1971	s23(1) enables a constable or an authorised person to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs, and to inspect any books or documents relating to dealings in any such drugs, and to inspect any stocks of any such drugs.	Retain

Statute	Section	Outcome
47) Misuse of Drugs Act 1971	s23(2) enables a constable, where there are reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of the Act or of any regulations, to search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it.	Retain
48) Misuse of Drugs Act 1971	s23(3) enables a constable to enter (subject to a warrant authorised by a Justice of the Peace), the premises named in the warrant, if necessary using reasonable force, and to search the premises and any persons found therein and, if there are reasonable grounds for suspecting that an offence under this Act has been committed.	Retain
49) Misuse of Drugs Act 1971	s23(A) enables a constable, where there are reasonable grounds to suspect that a person is in possession of a temporary class drug, to search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it.	Retain
50) Drug Trafficking Act 1994	s55(5) enables a constable, with an order from a judge, to enter the premises to obtain access to the material for the purpose of an investigation into drug trafficking.	Repeal
51) Drug Trafficking Act 1994	s56 enables a constable, for the purpose of an investigation into drug trafficking, apply to a judge for a warrant under this section in relation to specified premises to enter and search the premises.	Repeal
52) Animals (Scientific Procedures) Act 1986	s25 enables a constable to enter any place where there are reasonable grounds to believe that an offence under this Act has been or is being committed at that place.	Retain
53) Criminal Justice and Public Order Act 1994	s64 enables a constable to enter land and seize vehicles and/or sound equipment where there is reasonable cause to believe that circumstances exist in relation to any land which would justify the giving of a direction under s63.	Retain
54) Police Reform Act 2002	s59(3c) enables a constable to enter any premises (if necessary using reasonable force) and seize motor vehicles where a reasonable cause to believe that they are being, or have been used in a manner causing alarm, distress or annoyance.	Retain
55) Public Order Act 1986	s24 enables a constable, if there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of s23 of the Act (racially inflammatory material) to enter and search the premises where it is suspected the material or recording is situated.	Retain
56) Public Order Act 1986	s29H enables a constable, if there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of s29G of the Act (religious hatred and hatred on the grounds of sexual orientation) to enter and search the premises where it is suspected the material or recording is situated.	Retain
57) Public Order Act 1936	s2(5) enables a constable to enter and search premises and search persons found there, and to seize anything found on the premises or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of an offence in relation to quasi-military organisations.	Retain

Statute	Section	Outcome
58) Knives Act 1997	s5 enables a constable to enter any premises and search for the knives and marketing materials in relation to the unlawful marketing of knives, and seize and remove any that he finds.	Retain
59) Crossbows Act 1987	s4 enables a constable to enter and search vehicle and land (other than a dwelling).	Retain
60) Firearms (Amendment) Act 1988	s15(7) enables a constable to enter and search approved rifle and muzzle-loading pistol clubs.	Retain
61) Firearms Act 1968	s46 enables a constable to stop and search with a warrant for unlawfully held firearms.	Retain
62) Firearms Act 1968	s47 enables a constable to stop and search for unlawfully held firearms.	Retain
63) Criminal Justice Act 1988	s139B enables a constable to enter school premises and search those premises and any person on those premises for articles with a blade or point or offensive weapons (as defined in s1 of the Prevention of Crime Act 1953).	Retain
64) Criminal Justice Act 1988	s142 enables a constable to enter and search any premises for knives and offensive weapons.	Retain
65) Crime (International Co-operation) Act 2003	s17 enables a constable or an authorised person to enter and search any premises and to seize and retain any evidence for which he is authorised to search.	Retain
66) Crime (International Co-operation) Act 2003	s22 enables a constable or an authorised person to enter any premises to which the overseas freezing order relates and search the premises to the extent reasonably required for the purpose of discovering any evidence to which the order relates, and to seize and retain any evidence for which he is authorised to search.	Retain
67) International Criminal Courts Act 2001	s33 enables a constable to enter and search any premises, and seize evidence relating to an International Criminal Court (ICC) crime investigation.	Retain
68) International Criminal Courts Act 2001	s37 enables a constable to enter and search any premises, where the International Criminal Court (ICC) has made a request for assistance in ascertaining whether a person has benefited from an ICC crime, or in identifying the extent or whereabouts of property derived directly or indirectly from an ICC crime.	Retain
69) Extradition Act 2003	s156 enables a constable to enter and search the premises specified in the application for the warrant, to seize and retain any material found there which falls within s156(6) (extradition requests).	Retain
70) Extradition Act 2003	s160 enables a constable to enter and search the specified premises, to seize and retain any relevant material that could be used as evidence in a trial in the UK for the specified offence.	Retain
71) Extradition Act 2003	s161 enables a constable to enter and search any premises for the purpose of exercising the power of arrest, under an extradition arrest power, if he has reasonable grounds for believing that the person to whom an extradition request applies is on the premises.	Retain
72) Extradition Act 2003	s162 enables a constable to enter and search any premises in which the person was at the time of his arrest or immediately before his arrest if there are reasonable grounds for believing that there is on the premises evidence relating to the identity of that person.	Retain

Statute	Section	Outcome
73) Extradition Act 2003	s164 enables a constable to enter and search any premises occupied or controlled by the person, after an arrest, if the constable has reasonable grounds for suspecting that there is on the premises evidence relating to the identity of the person.	Retain
74) The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005	Article 13(3) enables a management receiver appointed by the court to enter any premises in England and Wales to search for or inspect anything authorised by the court.	Retain
75) The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005	Article 23(3) enables an enforcement receiver appointed by the court to enter any premises in England and Wales to search for or inspect anything authorised by the court.	Retain
76) Poisons Act 1972	s9 enables an inspector appointed by the General Pharmaceutical Council (GPhC) to enter any registered pharmacy for the purpose of securing compliance by other persons with the preceding provisions of this Act and with the Poisons Rules. s9 also enables an inspector appointed by the local authority to enter any premises on which any person whose name is entered in a local authority's list carries on business, and any premises on which the inspector has reasonable cause to suspect that a breach of the law has been committed in respect of any substances.	Retain with further safeguards
77) Local Government (Miscellaneous Provisions) Act 1982	Schedule 3 Para 25 enables a constable to enter and inspect any sex establishment with a view to ensuring conditions of the licence are complied with, if the constable has reason to suspect that an offence under paragraph 20, 21 or 23 of this Schedule has been, is being, or is about to be committed.	Retain
78) Immigration Act 1971	s28CA enables a constable or an authorised person to enter business premises and arrest without a warrant.	Retain
79) Immigration Act 1971	s28FB enables a constable or an authorised person to enter business premises and search for personnel records, with a warrant.	Retain
80) Immigration Act 1971	s28B enables a constable or an authorised person to enter and search premises, and make an arrest with a warrant. This relates to Part III Criminal Proceedings.	Retain
81) Immigration Act 1971	s28C enables a constable or an authorised person to enter premises, search and arrest without a warrant.	Retain
82) Immigration Act 1971	s28D enables a constable or an authorised person to enter and search premises with a warrant.	Retain
83) Immigration Act 1971	s28E enables a constable or an authorised person to enter and search premises following an arrest. This corresponds to s32 of PACE.	Retain
84) Immigration Act 1971	s28F enables a constable or an authorised person to enter and search premises following an arrest under s25, s25A or s25B of the Act. This corresponds to s18 of PACE.	Retain
85) Immigration Act 1971	Schedule 2 Para 1(4) enables a constable or an authorised person to board and enter a ship.	Retain
86) Immigration Act 1971	Schedule 2 Para 1(5) enables a constable or an authorised person to enter and search a ship, and anything on it.	Retain

Statute	Section	Outcome
87) Immigration Act 1971	Schedule 2 Para 4(3) enables a constable or an authorised person to enter and search vehicle, ship or aircraft for documents requested during a Schedule 2 examination.	Retain
88) Immigration Act 1971	Schedule 2 Para 17(2) enables a constable or an authorised person to enter and arrest a person liable to be detained under Schedule 2, Paragraph 16.	Retain
89) Immigration Act 1971	Schedule 2 Para 25A(2) enables a constable or an authorised person to enter any premises for the purpose of searching for relevant documents to facilitate removal.	Retain
90) Immigration and Asylum Act 1999	s92A enables the Commissioner, or a member of his staff authorised in writing by him, to enter any premises, with a warrant, if there are reasonable grounds for believing that an offence under s91 has been committed, there is material on the premises which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence, and any of the conditions specified in s92A (3) is satisfied.	Retain
91) Immigration and Asylum Act 1999	Schedule 5 Para 7 enables the Commissioner, or a member of his staff authorised in writing by him, to enter any premises, if there are reasonable grounds for believing that particular premises are being used in connection with the provision of immigration advice or immigration services by a registered person.	Retain with further safeguards
92) Immigration and Asylum Act 1999	s125 enables an authorised person to enter and inspect the accommodation of a supported person, if there are reasonable grounds for believing that the supported person or any dependants of his for whom the accommodation is provided is not resident in it, the accommodation is being used for any purpose other than the accommodation of the asylum-seeker or any dependant of his, or any person other than the supported person and his dependants (if any) is residing in the accommodation.	Repeal
93) UK Border Act 2007	s44(2) enables a constable or an authorised person to enter, without a warrant, to search for evidence of nationality.	Retain
94) UK Border Act 2007	s45(2) enables a constable or an authorised person to enter, with a warrant, to search for evidence of nationality.	Retain
95) Vehicles (Crime) Act 2001	s9 enables a constable to enter and inspect premises. This relates to Part 1 Regulation of Motor Salvage.	Repeal
96) Vehicles (Crime) Act 2001	s9(3) enables a constable to enter and inspect premises, with a warrant. This relates to Part 1 Regulation of Motor Salvage.	Repeal
97) Private Security Industry Act 2001	s19 enables an authorised person to enter non-dwelling premises owned or occupied by regulated persons.	Retain with further safeguards
98) Scrap Metal Dealers Act 1964	s6 enables a constable or an authorised person to enter and inspect business premises.	Repeal
99) Scrap Metal Dealers Act 1964	s6(3) enables a constable or an authorised person to enter and inspect business premises with a warrant.	Repeal

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