



Home Office

## Search and seizure: premises

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

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This guidance tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their powers to search premises and seize items that they find.

It tells you about:

- a definition of premises
- powers to:
  - make searches and apply for search warrants (including new legislation and powers)
  - seize items of evidence
- restrictions on searching
- conduct and standards you need to meet when searching
- tips on planning and conducting a search
- recording details of the search

It only applies to:

- immigration officers working on CFI teams
- officers working on CFI operational support teams, in Immigration Enforcement

If you work on a border team, border crime teams under the National Crime Agency, or on an immigration compliance and engagement (ICE) arrest team you must use your own guidance and powers (even though some may be the same).

All officers in England, Northern Ireland, Scotland and Wales have powers under the immigration acts and can continue to use these.

There are new powers given for immigration officers in England and Wales under the Police

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### Related links

The Police and Criminal Evidence Act (PACE) Order 2013 explained [Applying for search warrants in Scotland](#)

### External links

[PACE Order 2013](#)  
[Section 55 Powers of immigration officers](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

and Criminal Evidence (PACE) (Application to immigration officers and designated customs officials in England and Wales) Order 2013. For more information, see related links:

- PACE Order 2013
- The Police and Criminal Evidence Act (PACE) Order 2013 explained

There are new powers for immigration officers in Scotland under section 55 of the Crime and Courts Act 2013. For more information, see related links:

- Section 55 Powers of an immigration officer
- Applying for search warrants in Scotland

You must only use those powers you are trained for and that apply to the role you are currently in.

Changes to this guidance: This page tells you what has changed since the previous version of this guidance.

Contacts: This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner: This page tells you about this version of the guidance and who owns it.

Archived

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

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This page lists changes to the 'Search and seizure: premises' guidance, with the most recent at the top.

Date of the change	Details of the change
29 April 2015	Change request: <ul style="list-style-type: none"><li>Standards you must meet when searching premises – deleted section 'Skills for justice'</li><li>minor housekeeping changes</li></ul>
22 April 2014	Change request: <ul style="list-style-type: none"><li>Good practice for search of premises:<ul style="list-style-type: none"><li>this is a new page.</li></ul></li></ul>
9 December 2013	Completely revised by the modernised guidance team

### Related links

[Standards you must meet when searching premises](#)

**See also**  
[Contact](#)

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Definition of premises

<p><a href="#">About this guidance</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams a definition of what 'premises' are.</p> <p>Section 23 of the Police and Criminal Evidence Act (PACE) 1984 defines premises as:</p> <ul style="list-style-type: none"><li>• any place and, in particular, includes any:<ul style="list-style-type: none"><li>○ vehicle, vessel, aircraft or hovercraft</li><li>○ offshore installation</li><li>○ renewable energy installation</li><li>○ tent or movable structure</li></ul></li></ul> <p>When, where and how you are allowed to carry out a search of premises depends on:</p> <ul style="list-style-type: none"><li>• whether you have made an arrest</li><li>• where you made the arrest</li><li>• your powers to enter and search premises under the various acts</li></ul> <p>If you work in Northern Ireland article 25 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) gives the same definition.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• <a href="#">Section 23 Meaning of premises (PACE)</a></li><li>• <a href="#">Section 25 Meaning of premises (PACE NI)</a></li></ul>	<p><b>External links</b> <a href="#">Section 23 Meaning of premises (PACE)</a> <a href="#">Section 25 Meaning of premises (PACE NI)</a></p>
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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Powers to enter and search premises

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their powers to enter and search premises.

If you are working on a CFI team in Immigration Enforcement your powers come from being an authorised immigration officer with arrest and criminal investigation training.

Depending on what training you have received and what power you are using, you have the power to:

- search for:
  - a person you want to arrest
  - evidence of an offence
  - evidence of nationality
  - documents
- apply for search warrants
- do these searches without a warrant in some circumstances (using statutory (legal) powers)
- seize and retain items you find
- apply to see special procedure and excluded material, which you cannot seize (keep)

For more information about special procedure and excluded material, see related link: S9 Police and Criminal Evidence Act: access to restricted material.

For more information on restrictions on searching and items you cannot seize, see link on left.

For a full list of search powers under the Police and Criminal Evidence Act 1984 (PACE) and immigration legislation, see related links:

- Powers of arrest, entry and search under PACE

#### In this section

[Powers to enter and search - legislation](#)

#### Related links

[S9 Police and Criminal Evidence Act: access to restricted material](#)

Powers of an immigration officer

[Applying for search warrants in Scotland](#)

The Police and Criminal Evidence Act (PACE) Order 2013 explained

#### External links

[Police and Criminal Evidence Act \(PACE\) 1984](#)

[Police and Criminal Evidence Order \(PACE NI\)](#)

[Police and Criminal Evidence \(PACE\) Order 2013](#)

[Section 24 Criminal Law \(Consolidation\)\(Scotland\) Act 1995](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- Powers of arrest, entry and search under immigration legislation

Once you have found what you are looking for your power to search ends and you must stop the search.

You must only use those powers and acts that:

- you have had training for
- relate to:
  - your job on the criminal investigation team
  - offences investigated by the Home Office

Whichever powers you use you must always comply with the Police and Criminal Evidence (PACE) code of practice B which tells you how to conduct yourself during a search.

For more information on the legislation, see related link.

Officers working in CFI operational support teams (OST) in Immigration Enforcement can provide support to the CFI teams. They also get their powers from these acts and must follow this guidance.

Police working on CFI teams get their powers from the same sections of PACE or, in Northern Ireland, from the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI). To read the acts, see related links:

- Police and Criminal Evidence Act (PACE) 1984
- Police and Criminal Evidence (Northern Ireland) Order (PACE NI)

**Police and Criminal Evidence Act (PACE)1984 (Application to immigration officers and designated customs officials) Order 2013**

The PACE order 2013 came into effect on 26 June 2013. It only applies:

- in England and Wales

**Downloads**

Police and Criminal Evidence (PACE)code of practice B 2011  
Powers of arrest, entry and search under PACE  
Powers of arrest, entry and search under immigration legislation

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- to immigration officers who have been authorised to use PACE

You must only use these new powers if you have attended the mandatory training course. Once you have attended you receive a letter to confirm you are authorised to use PACE powers. These then become the main powers you use rather than the immigration acts.

If you have not been trained to use the new PACE powers you must continue to use your powers under the immigration acts.

For more information, see related links:

- Police and Criminal Evidence (PACE) Order 2013
- The Police and Criminal Evidence Act (PACE) Order 2013 explained

#### **Crime and Court Act 2013: officers working in Scotland**

This act gives additional powers to immigration officers when applying for search warrants.

For more information, see related links:

- Powers of an immigration officer
- Section 24 Criminal Law (Consolidation)(Scotland) Act 1995
- Applying for search warrants in Scotland

#### **Customs functions**

These functions are now covered by the National Crime Agency and some teams in Border Force.



This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

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### Powers to enter and search: legislation

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams which legislation gives them powers to enter and search premises.

You have powers to enter and search premises from the:

- immigration acts
- Police and Criminal Evidence Act 1984 (PACE)

You must only use PACE powers if you have received the relevant training and have been authorised to use PACE.

You must read the relevant sections of the acts to make sure you understand what they authorise you to do. See related links.

For more information on making arrests, see related link: Arrests.

#### Acts which give you powers of entry, search and seizure

Act	What it allows
Section 17, Police and Criminal Evidence Act 1984 (PACE).	<p>Entry and search in order to make an arrest.</p> <p>Only the following sections apply to designated (authorised) criminal investigation officers:</p> <ul style="list-style-type: none"> <li>• 17 (1)(a)(i)</li> <li>• 17(1)(b)</li> <li>• 17 (1)(cb)(i)</li> <li>• 17(1)(d)</li> </ul>

#### Related links

Arrests

#### External links

[Section 17 Police and Criminal Evidence Act \(PACE\)](#)  
[Section 18 Police and Criminal Evidence Act \(PACE\)](#)  
[Part III Immigration Act 1971 criminal proceedings](#)  
[Section 44 UK Borders Act 2007](#)  
[Section 46 UK Borders Act 2007](#)

## This document was archived on 14 September 2018

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

		<ul style="list-style-type: none"> <li>• 17(2)</li> <li>• 17(4)</li> </ul> <p>You do not have the power to enter and search to:</p> <ul style="list-style-type: none"> <li>• make an arrest for offences under the acts listed in section 17(1)(c), (ca) or (caa)</li> <li>• save life or limb, or prevent serious damage to property under section 17(1)(e)</li> </ul>	
	Section 18, Police and Criminal Evidence Act 1984 (PACE).	Entry and search after arrest.	
	Section 28C, Immigration Act 1971.	Entry and search in order to make an arrest.	
	Section 28CA, Immigration Act 1971.	<p>Entry and search in order to make an arrest.</p> <p>This power is not used by criminal investigation teams. It allows an assistant director to authorise entry to business premises and is used by arrest teams.</p> <p>You can only use it where there is no intention to prosecute. You must apply for a warrant instead.</p>	
	Section 28E, Immigration Act 1971.	Entry and search after arrest.	
	Section 28F, Immigration Act 1971.	<p>Entry and search after arrest.</p> <p>This section only applies to offences under sections 25, 25A or 25B of the Immigration</p>	

## This document was archived on 14 September 2018

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

	Act 1971 (facilitation offences).
Section 28FA, Immigration Act 1971.	Entry and search of business premises.
Paragraph 25A of schedule 2, Immigration Act 1971.	Entry and search to look for specified 'relevant' documents.
Sections 44 and 46, UK Borders Act 2007.	Entry and search to look for nationality documents.

For more information on making arrests and to read the acts, see related links:

- Section 17 Police and Criminal Evidence Act (PACE)
- Section 18 Police and Criminal Evidence Act (PACE)
- Section 44 UK Borders Act 2007
- Section 46 UK Borders Act 2007

For sections 28C, CA, E, F, FA and paragraph 25A of schedule 2 of the Immigration Act 1971, see related link: Part III Immigration Act 1971 criminal proceedings.

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Search warrants

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their powers to apply for search warrants and where to find information about executing (using) a search warrant.

You can only:

- apply for a search warrant to enter and search premises in relation to immigration crime
- use the powers you have had training for

Your powers to apply for warrants to enter premises and conduct searches come from:

Act	What the warrant allows you to do
Section 8, Police and Criminal Evidence Act (PACE) 1984.	Enter and search premises.
Section 28B, Immigration Act 1971.	Enter and search in order to make an arrest.
Section 28D, Immigration Act 1971.	Enter and search premises for 'relevant evidence' (evidence relating to the suspected offence).
Section 28FB, Immigration Act 1971.	Enter and search business premises for employee records.
Paragraph 17(2), schedule 2, Immigration Act 1971.	Enter and search premises in order to arrest a person liable to detention under paragraph 16(2) of this schedule.
Section 45, UK Borders Act 2007.	Enter and search for nationality documents.

For the exact wording in the acts, see related links.

### PACE warrants

**In this section**  
[Applying for search warrants in Scotland](#)

**Related links**  
 34 Warrants

**External links**  
[Section 8 power of justice of the peace to authorise entry and search of premises Immigration Act 1971](#)  
[Section 45 search for evidence of nationality: other premises](#)  
[Section 15 PACE search warrants safeguards](#)  
[Section 16 PACE execution of warrants](#)  
[Section 28J Immigration Act 1971 search warrants: safeguards](#)  
[Section 28K Immigration Act 1971 execution of warrants](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

You can apply to a justice of the peace (JP) or magistrate for a warrant. PACE does not apply in Scotland. For more information on applying for warrants in Scotland, see related link.

Section 8 search warrants are valid for three months and you can use them more than once (even unlimited times) if the JP or magistrate authorises it.

#### **Immigration warrants**

You can apply to a JP or a sheriff in Scotland for a warrant to enter and search premises. But in practice you usually apply to a magistrates' court in England and Wales.

Immigration warrants are valid for one month and you can only use them once.

#### **Executing (using) warrants and safeguards**

The acts contain information and guidance about:

- applying for and using search warrants
- people accompanying you when you use the warrant and what they are allowed to do

You must read the following sections as well as this guidance before applying for or using a search warrant. You can also find more information about applying for and using warrants in section 34 of the enforcement instructions and guidance. For more information, see related links:

- Section 15 PACE search warrants safeguards
- Section 16 PACE execution of warrants
- Section 28J Immigration Act 1971 search warrants: safeguards
- Section 28K Immigration Act 1971 execution of warrants
- 34 Warrants

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Applying for search warrants in Scotland

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- transit across
- be in, the UK

This includes any conduct which relates to conditions or other controls on any such entitlement.

**Definition of a 'nationality offence'**

A 'nationality offence' is an offence involving conduct which is carried out for the purposes of, or in relation to an:

- enactment in the:
  - British Nationality Act 1981
  - Hong Kong Act 1985
  - Hong Kong (War Wives and Widows) Act 1996
  - British Nationality (Hong Kong) Act 1997
  - British Overseas Territories Act 2002
- instrument made under any of those acts

For more information on the above legislation, see related links.

**When you are likely to use this power**

This power means you can apply for a warrant in some circumstances where you do not have a power under the immigration acts, for example, for some offences under section 14 of the Asylum and Immigration (Treatment of Claimants) Act 2004.

However, you must assess each case individually to make sure it meets the criteria of being an 'immigration' or 'nationality' offence. There may be circumstances where these criteria are not met. For example:

- the offence of possessing a false identity card with improper intention, contrary to section 4 of the Identity Documents Act 2010, would be an 'immigration offence' if the 'improper intention' was to evade the immigration controls but
- would not be an offence if the 'improper intention' was to be able to drive in this country

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

or open a bank account

**What to do if you are not sure you can apply for a warrant under the CPA 1995**

If you apply for a warrant under the CPA 1995 for an offence which is not an 'immigration' or 'nationality' offence it means:

- any evidence you seize under that warrant could be challenged in court and may not be accepted
- previous convictions in other cases could be questioned or overturned if evidence was gathered incorrectly on the same basis

If there is any doubt whether the offence falls into one of these categories or whether you have the power to apply for a warrant under the CPA 1995, you can:

- ask a police constable to apply for a warrant on your behalf, but remember:
  - you would have to have a constable with you to execute (serve) the warrant
- consider asking the Crown Office and Procurator Fiscal Service (COPFS) for advice before you apply for a warrant

The COPFS would be prosecuting any offence, so they have an interest in making sure you seize all evidence correctly. You must use local procedures for contacting these offices.

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### S19, 20, 22 Police and Criminal Evidence Act: general power to seize

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about the general power they have to seize and retain (keep) items under sections 19, 20 and 22 of the Police and Criminal Evidence Act (PACE) 1984.

You must only use this power if you have received the relevant training and been given designated (authorised) powers to use PACE.

#### **Section 19 of PACE: general power of seizure**

This power of seizure exists even if you have not arrested anyone. It allows you to seize anything you have reasonable grounds to believe:

- has been gained while an offence was being committed and you need to seize it to stop it being concealed, lost, damaged, altered or destroyed
- it is evidence of an offence you are investigating or any other offence and you need to seize it to prevent it being concealed, lost, altered or destroyed

For more information, see related link.

#### **Section 20 of PACE: seizing computerised information**

This section gives more details about information in electronic format, see related link.

#### **Section 22 of PACE: keeping the seized items**

This section tells you about keeping items you have seized under sections 19 or 20.

For more information, see related link: Section 22 Retention.

#### **External links**

[Section 19 General power of seizure](#)  
[Section 20 Extension of powers of seizure to computerised information](#)  
[Section 22 Retention](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Seize and sift powers: Criminal Justice and Police Act 2001

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their additional power to search premises under the Criminal Justice and Police Act (CJPA) 2001. This allows you to seize items, and sift through them elsewhere.

Part 2 of the CJPA deals with property seized at premises. Section 7 of the Police and Criminal Evidence Act (PACE), code of practice B gives you advice about using this power.

You can only use this power:

- for arrests made or warrants applied for under the following sections of the Immigration Act 1971:
  - 28D(3)
  - section 28E(5)
  - section 28F(6)
- when you use powers under PACE that you have been trained and authorised to use

For the exact wording in the act and to read all of the conditions or restrictions that apply when you are using these powers, see related links:

- Criminal Justice and Police Act (CJPA) part 2 powers of seizure
- Police and Criminal Evidence Act (PACE) code of practice B 2011

For more information on items you are not allowed to search for or seize and a copy of this form, see link on left: Restrictions on searching and items you cannot seize.

#### Section 50: additional powers of seizure from premises

You must:

- be on the premises lawfully
- have reasonable grounds to believe:

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#### External links

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[Section 28D Entry and search of premises](#)  
[Section 28E Entry and search of premises following arrest](#)  
[Section 28F Entry and search of premises following arrest under section 25, 25A, or 25B](#)

#### Downloads

Police and Criminal Evidence Act code of practice B 2011  
ENF 274

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- an item is or contains something you would have the authority to search
- you would have authority to seize the item if you find it

You must not take any more property than is necessary, and bear in mind there are implications for the owner, especially if the property you take relates to their business.

**Section 51: Additional powers of seizure from a person**

This section relates to items found while you are searching a person. The things you must consider are exactly the same as for section 50.

**Section 52: Notice you must give to the occupier**

This applies to property you have seized under section 50 or 51.

You must give a written notice to the occupier of the premises which tells them why you are using this power and what you have seized.

The notice you must use is form ENF 274, see related link.

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Seize and sift powers: retaining property

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their power to retain (keep) property seized under section 56 of the Criminal Justice and Police Act (CJPA) 2001.

Section 56 of the CJPA says you can keep property seized on premises under section 50 or 51 if:

- you were lawfully on the premises
- carrying out a lawful search of a person

You must have reasonable grounds to believe the property:

- was gained while an offence was being committed, and you need to keep it to prevent it being concealed, lost, damaged, altered, or destroyed
- is evidence of an offence, and you need to keep it to prevent it being concealed, lost, altered, or destroyed

This section does not allow you to keep any legal privilege material. For more information, see related links:

- [Seize and sift powers: examining property](#)
- [Seize and sift powers: returning property](#)
- [Restrictions on searching and items you cannot seize](#)

#### In this section

[Seize and sift powers: examining property](#)  
[Seize and sift powers: returning property](#)

#### External links

[Criminal and Justice Police Act \(CJPA\) part 2 powers of seizure](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Seize and sift powers: examining property

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about examining and returning property seized under sections 50 and 51 of the Criminal Justice and Police Act (CJPA) 2001.

#### Section 53: examining the property you have seized

This section applies to items seized under section 50 and 51 of the CJPA and also gives you some additional information.

It tells you about:

- carrying out an initial examination of property you have seized
- how far you can examine it
- returning items you do not have a power to seize or keep
- how to store items seized under these powers
- allowing someone to observe the examination

When you are deciding whether to allow someone to be present at the sift:

- consider if this would harm, interfere or cause unreasonable delay to your investigation
- if you go ahead without them, even though someone has asked to be present, you must provide them with details of the circumstances in writing

If you assist with a sift and separate a relevant item you are going to keep, you must:

- provide the owner with copies of original documents you have seized if they ask for them
- place the item in a new tamper evident bag
- give it a new exhibit reference
- note the old bulk exhibit reference on the bag when completing the 'where found'

**In this section**  
[Seize and sift powers: retaining property](#)  
[Seize and sift powers: returning property](#)

**External links**  
[Criminal Justice and Police Act \(CJPA\) part 2 powers of seizure](#)

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

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## Search and seizure: premises

### Seize and sift powers: returning property

<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about returning property seized under sections 50 and 51 of the Criminal Justice and Police Act (CJPA) 2001.</p> <p><b>Sections 54 and 55: returning restricted items</b> These sections deal with items that are:</p> <ul style="list-style-type: none"><li>• subject to legal privilege</li><li>• excluded</li><li>• special procedure material</li></ul> <p>If you find any of these items when examining the property you must return them as soon as possible. You do not need to wait until the examination of all seized property is completed to return these items.</p> <p>For more information on restricted items, see link on left: Restrictions on searching and items you cannot seize.</p> <p><b>Section 58 CJPA: returning property</b> This section tells you who you must return property to and how long you can keep it.</p> <p>Only delay returning property if there is a compelling reason, for example:</p> <ul style="list-style-type: none"><li>• the person you are going to return it to is not available</li><li>• you need to agree a time to return a large amount of material</li></ul> <p><b>Section 59 – 61: applications for the return of property</b> Any person with an interest in the property you have seized can apply to a judicial authority (court) to have all or part of it returned. You must:</p>	<p><b>In this section</b> <a href="#">Seize and sift powers: retaining property</a> <a href="#">Seize and sift powers: examining property</a></p> <p><b>External links</b> <a href="#">Criminal Justice and Police Act (CJPA) part 2 powers of seizure</a></p>
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## This document was archived on 14 September 2018

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- tell the officer in charge as soon as possible if you think someone with an interest in the property is going to make an application to have it returned under section 59
- store this property separately from any property you have seized under other powers

If you are the officer in charge, you must:

- Secure the property after the person has made the application for it to be returned. This means, you must make sure it is not:
  - examined, copied, photographed, or used for anything else unless the applicant consents or a judicial authority authorises it
  - record everything in writing and get signed consent if appropriate

For full details and the exact wording of the act, see related link: [Criminal Justice and Police Act \(CJPA\) part 2 powers of seizure.](#)

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Restrictions on searching and items you cannot seize

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about restrictions on what they can conduct a search for, why it is restricted, what they are allowed to seize and how to get access to restricted material.

#### Restrictions on searching

The powers you have under the various acts tell you:

- reasons why you can conduct a search
- what items you can search for

For example, you can search for evidence of :

- a relevant offence
- nationality in some cases

It is your responsibility to check and make sure you know exactly:

- which powers you are using when you conduct a search
- what those powers allow you to do

Do not rely on somebody else to tell you. If the case goes to court this is a question you could be asked and you will be expected to know the answer.

#### Multiple occupancy premises

Generally if you are searching in multiple occupancy premises remember:

- the search is limited to:
  - areas occupied by the arrested person
  - communal areas
  - areas specified on the warrant if you have one

#### In this section

[S9 Police and Criminal Evidence Act: access to restricted material](#)

#### Related links

[Conducting a premises search](#)

#### External links

[Section 10 Meaning of 'items subject to legal privilege' PACE](#)  
[Section 11 Meaning of 'excluded material' PACE](#)  
[Section 14 Meaning of 'special procedure material' PACE](#)  
[Police and Criminal Evidence \(Northern Ireland\) Order 1989](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- you need a separate warrant for each room occupied by a different person
- if you do not have a warrant and you still want to enter or make a search you must get informed consent. For more information, see link on left: [Conducting a premises search](#)

You must make sure you know exactly what the restrictions are depending on which power you are using.

#### **Items you cannot search for or seize**

The Police and Criminal Evidence Act (PACE) 1984 and the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) states the items you cannot seize. They are:

- items subject to legal privilege, which are:
  - covered in section 10 of PACE and article 12 of PACE NI
  - to do with communications between a legal advisor and their client, or their representative, and giving legal advice
- 'excluded' material which is material held in confidence and is:
  - covered in section 11 of PACE and article 13 of PACE NI
  - personal records gathered or created in the course of trade, business, profession or other occupation (see bullet below)
  - human tissue or tissue fluid taken for diagnosis or medical treatment
  - journalistic material, for example, documents or other records
- 'special procedure' material, which is:
  - covered in section 14 of PACE and article 16 of PACE NI
  - other material held in confidence

Personal records are documents or other records relating to a person, living or dead, who can be identified, and that relate to:

- their physical or mental health
- spiritual counselling or assistance given to them
- counselling given by a voluntary organisation or individual who:
  - because of the office they hold or their occupation, is responsible for the individual's personal welfare

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- is responsible for supervising them under a court order

For the exact wording in the act, see related links:

- Section 10 Meaning of 'items subject to legal privilege' PACE
- Section 11 Meaning of 'excluded material' PACE
- Section 14 Meaning of 'special procedure material' PACE
- Police and Criminal Evidence (Northern Ireland) Order 1989

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### S9, Police and Criminal Evidence Act: access to restricted material

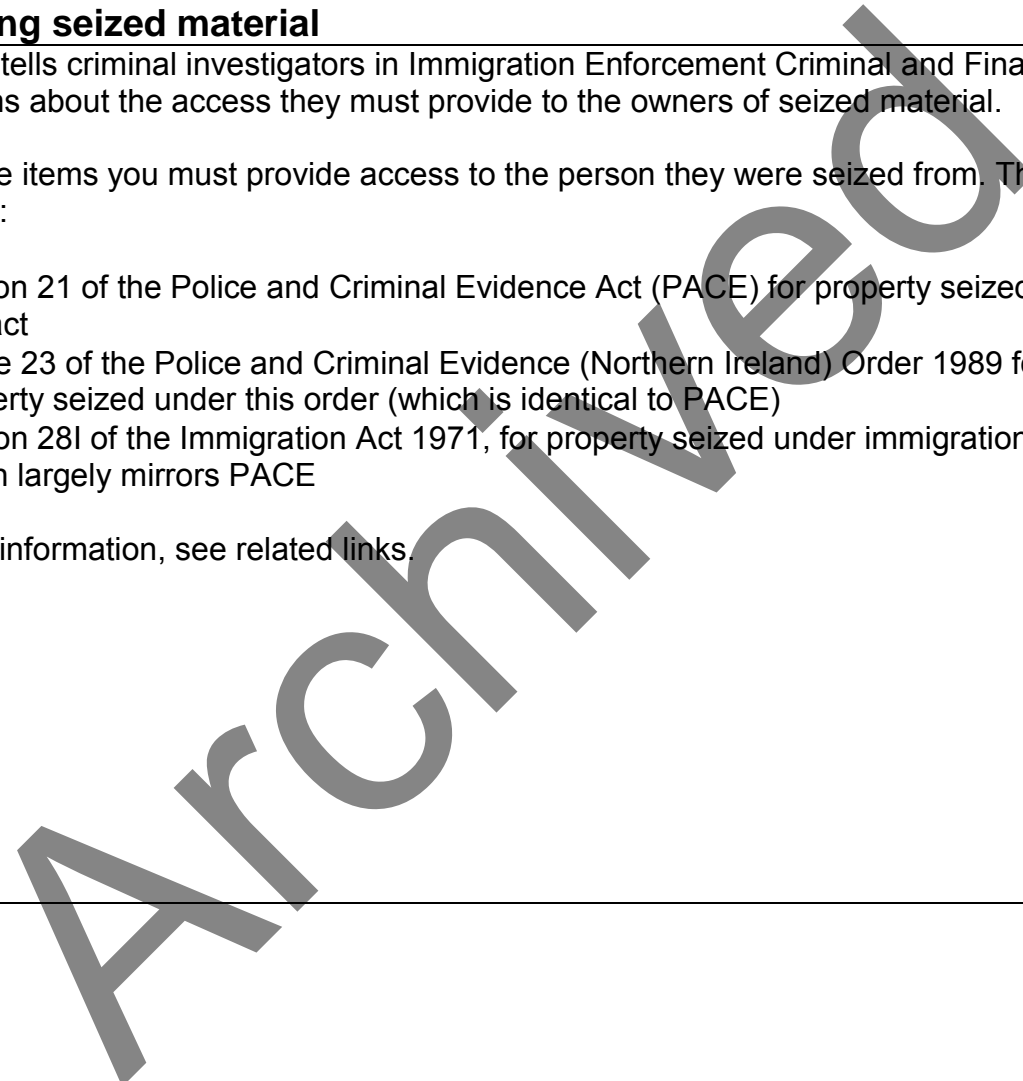
<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal Financial (CFI) teams about applying to see excluded or special procedure material under section 9 of the Police and Criminal Evidence Act (PACE) 1984.</p> <p>When you conduct a search you cannot seize or examine items which are subject to legal privilege, 'excluded' or 'special procedure' material. For more information, see link on left: Restrictions on searching and items you cannot seize.</p> <p>Section 9 and schedule 1 of PACE allows you to apply to a judge for access to 'excluded' and 'special procedure' material, in relation to a criminal investigation, if you can show certain access conditions have been met.</p> <p>There are 2 sets of access conditions. To make an application you must show that all conditions in either set have been met. If you do this the judge can order the material in question is provided to you.</p> <p>You are not likely to make an application very often. If you do you must read both section 9 and paragraphs 1 – 6 of schedule 1 of PACE and make sure you meet all requirements of one set of access conditions before making an application.</p> <p>You must always discuss with your supervising officer before you make an application.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Section 9 special provisions as to access</li><li>• Schedule 1 special procedure</li></ul>	<p><b>External links</b> <a href="#">Section 9 special provisions as to access</a> <a href="#">Schedule 1 special procedure</a></p>
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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Providing access to and copying seized material

<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about the access they must provide to the owners of seized material.</p> <p>If you seize items you must provide access to the person they were seized from. This is covered in:</p> <ul style="list-style-type: none"><li>• section 21 of the Police and Criminal Evidence Act (PACE) for property seized under this act</li><li>• article 23 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for property seized under this order (which is identical to PACE)</li><li>• section 28I of the Immigration Act 1971, for property seized under immigration powers, which largely mirrors PACE</li></ul> <p>For more information, see related links.</p>	<p><b>External links</b> <a href="#">Section 28I Seized material: access and copying</a> <a href="#">Section 21 Access and copying.</a> <a href="#">Article 23 Access and copying</a></p> <p><b>Downloads</b> Police and Criminal Evidence Act (PACE) code of practice B 2011</p>
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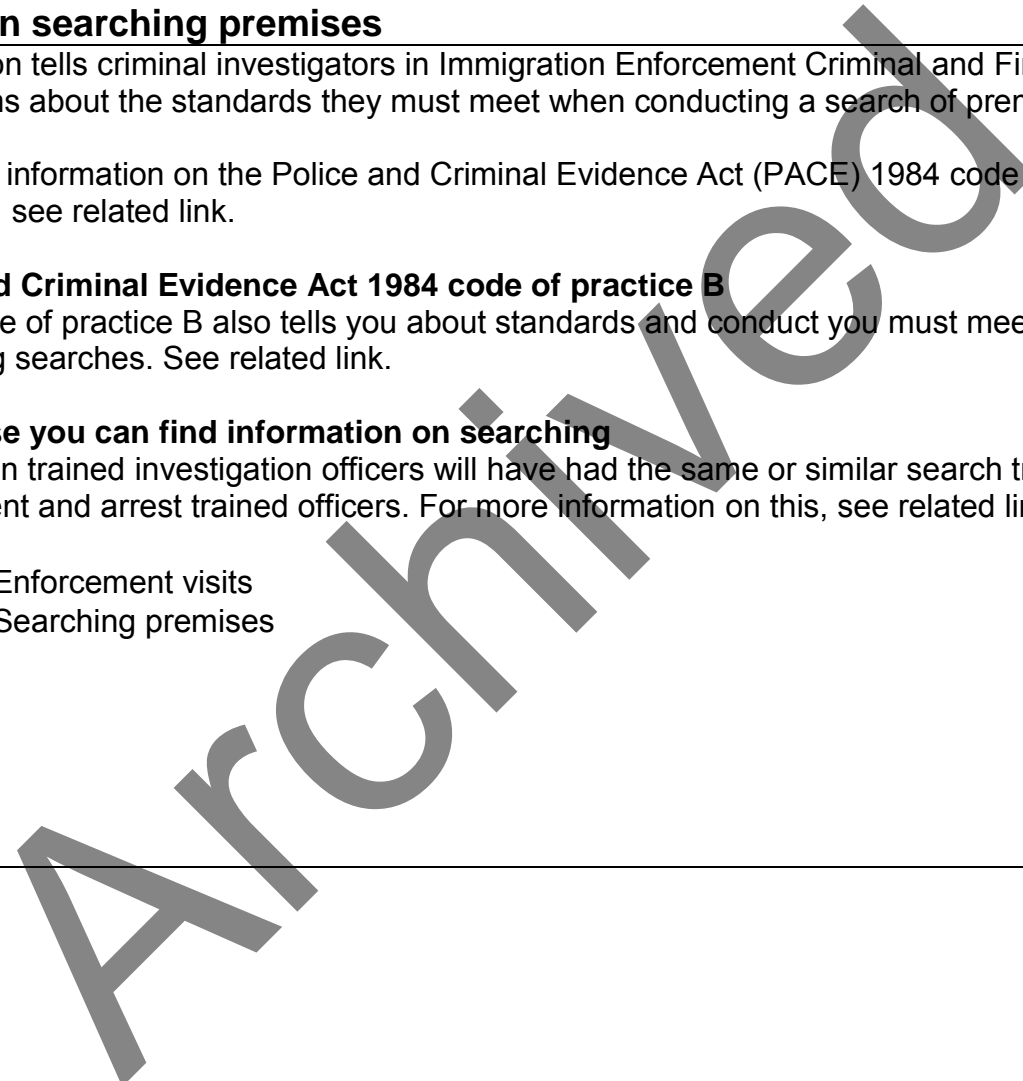


This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Standards you must meet when searching premises

<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about the standards they must meet when conducting a search of premises.</p> <p>It contains information on the Police and Criminal Evidence Act (PACE) 1984 code of practice B, see related link.</p> <p><b>Police and Criminal Evidence Act 1984 code of practice B</b> PACE code of practice B also tells you about standards and conduct you must meet when conducting searches. See related link.</p> <p><b>Where else you can find information on searching</b> Immigration trained investigation officers will have had the same or similar search training as enforcement and arrest trained officers. For more information on this, see related links:</p> <ul style="list-style-type: none"><li>• 31 Enforcement visits</li><li>• 41 Searching premises</li></ul>	<p><b>In this section</b> <a href="#">Police and Criminal Evidence Act code of practice B</a></p> <p><b>Related links</b></p> <p>31 Enforcement visits 41 Searching premises</p>
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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Police and Criminal Evidence Act code of practice B

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about their obligation to comply with the Police and Criminal Evidence Act (PACE) 1984 code of practice B, when carrying out a search.

PACE code B deals with police powers to search premises, seize and retain (keep) property found on premises and people. It tells officers how to conduct themselves during a search. For more information, see related link: Police and Criminal Evidence Act (PACE) code of practice B 2011.

Part III of the Immigration Act 1971 – criminal proceedings, gave similar powers to immigration officers in relation to certain offences under that act. For information, see related link: Part III Criminal Proceedings.

Section 145 the Immigration and Asylum Act 1999 says when using these powers immigration officers must comply with the corresponding provisions in the PACE code. This means you must comply with PACE code of practice B if you are working on a criminal investigation team (except in Scotland where this provision does not apply).

The code covers:

- powers of entry
- what can be searched for
- warrants
- privacy and respect for personal property
- conducting searches without discrimination or unfairness
- use of force to enter premises

Privacy and respect for private life are also covered in the Human Rights Act 1998, article 8. To comply with this when you conduct a search, you must:

#### Related links

Using reasonable force  
Method of entry (MoE)  
policy

#### External links

[Part III Criminal Proceedings](#)  
[Section 145 Codes of practice.](#)  
[Article 8 Right to respect for private and family life](#)

#### Downloads

Police and Criminal Evidence Act (PACE) code of practice B 2001.

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- make sure the search is justified and necessary
- remember it may interfere significantly with the occupier's privacy
- minimise any interference as much as possible

For more information, see related link: Article 8 Right to respect and private family life.

### **General conduct when searching**

When you conduct a search or seize property, you must:

- use your powers responsibly and fairly
- show respect for anyone occupying the premises or in charge of property you seize
- be courteous
- not discriminate
- only use reasonable force when it is necessary and proportionate to the circumstances
  - for more information on reasonable force:
    - in relation to people, see related link: Using reasonable force, and
    - in relation to property, see related link: Method of entry (MOE) policy

To fully understand all the requirements of the PACE code you will need to read it, but some general points about your conduct during a search are that you:

- can only search as far as it is necessary to achieve the reason for the search, so you must consider:
  - what you are looking for
  - where it would be reasonable to find it
- have no further power to continue searching once you have found items specified on a warrant, either:
  - under that warrant
  - any other power
- cannot continue searching if the officer in charge is satisfied the items being looked for are not on the premises
- must conduct the search causing as little disruption as possible to those present
- must allow a friend, neighbour or other person to witness the search if the occupier



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wishes:

- unless this would seriously hinder the search
- you do not have to delay a search unduly to allow someone to attend
- do not have to caution a person to ask them questions that are only intended to make the search more effective, for example, asking:
  - where a key is
  - for cooperation
- must leave a list of items seized, which is:
  - on a copy of the warrant
  - a list if entry was by consent

If you do not comply with this code, evidence you seize during a search may not be admissible in court.

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Good practice for search of premises

<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about good practice to adopt when searching premises.</p> <p>The officer in charge (OIC) of the search must first:</p> <ul style="list-style-type: none"><li>• try to communicate with the occupier or any other person entitled to grant access to the premises</li><li>• explain the authority under which entry is sought</li><li>• ask the occupier to allow entry, unless:<ul style="list-style-type: none"><li>○ the premises are unoccupied</li><li>○ the occupier and any other person entitled to grant access are absent</li><li>○ there are reasonable grounds for believing that alerting the occupier or any other person entitled to grant access would frustrate the object of the search or endanger officers or other people</li></ul></li></ul> <p>Unless you alert the occupier (or other person entitled to grant access) if the premises are occupied before the search begins, you must identify:</p> <ul style="list-style-type: none"><li>• yourself, show your warrant card and state the purpose and grounds for the search</li><li>• introduce any person accompanying you on the search</li><li>• briefly describe the accompanying person's role in the process</li></ul> <p>When you conduct a premises search under:</p> <ul style="list-style-type: none"><li>• a warrant</li><li>• statutory power (including section 28CA of the Immigration Act 1971 (assistant director's letter))</li><li>• informed consent</li></ul>	<p><b>Related links</b></p> <p><b>External links</b> Police and Criminal Evidence Act (PACE) code of practice B 2001</p> <p><a href="#">Section 28CA Immigration Act 1971</a></p>
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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

you must, unless it is impractical, give the occupier a copy of the notice of rights and entitlements (referred to as 'the notice') which is in the premises search book (PSB).

You must complete the following sections of the notice before you give it to the occupier:

- address and type of premises
- power or statutory power under which you are making the search
- the informed consent is fully completed and signed by the person giving consent
- OIC name, office, address and date

If the notice is served before the search begins it will not be possible to enter the start and finish time of the search. You can add these details to the occupier's copy once you know it. If you fail to do this it does not affect the legality of the search.

You can, if it is practical, give a copy of the notice and warrant to the occupier, or some other person who appears to be in charge of the premises before the search begins if they are present. This is unless the OIC reasonably believes it would:

- frustrate the object of the search
- endanger officers or other people

You are not required to endorse the copy of the warrant when you give it to the occupier.

If the occupier is not present and no other person appears to you to be in charge of the premises, you must leave it in a prominent place on the premises a copy of the:

- notice, and
- warrant endorsed with the:
  - name of the OIC
  - date
  - time of the search

After execution (using) you must also endorse the original warrant to show:

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

- if any:
  - of the people or articles specified in the warrant were found
  - other articles were seized
- the date and time it was executed
- the name of the occupier (if they are present) or, if the occupier is not present, the name of the person in charge of the premises
- the names of the officers who executed it and any authorised people who accompanied them
- whether a copy of the warrant and a copy of the notice was:
  - handed to the occupier or, if the occupier is not present, the person in charge of the premises
- if the occupier or other person in charge of the premises was not present:
  - the name of the OIC
  - the date and time of the search
  - if it was then left on the premises
  - where it was left

You must record in the scene notes of the PSB the time that a copy of the warrant and the notice were given to the occupier before the search began.

You must also record in the scene notes of the PSB, the reasonable grounds if you did not give these documents before the search began because the:

- occupier or some other person who appears to be in charge of the premises was not present
- OIC had reasonable grounds to believe that alerting the occupier or any other person entitled to grant access would:
  - frustrate the object of the search
  - endanger officers or other people

Where reference is made to 'impractical' or 'if practical' in relation to the service of forms this refers to the situation the officers face or the reaction of the occupants. If the occupants

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

	<p>refuse to accept the forms or are violent, the officer is unable to serve the forms to them because of their reaction, and so must record the situation and any justification in the scene notes of the PSB.</p>	
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For more information, see related links:

- Police and Criminal Evidence Act (PACE) code of practice B 2011
- Section 28CA Immigration Act 1971

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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Planning a premises search

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams what administrative things they must consider when planning a premises search.

You must consider administrative as well as practical aspects of a search.

If you know in advance you are going to be doing a search of premises you must plan it as you would any other operational deployment. This means:

- knowing what powers you are using to do the search legally and if there are any restrictions on what you can do
- deciding what power of entry you are going to use, either:
  - entry by warrant
  - using a statutory power
  - by informed consent
- making all of the checks you can to identify any risks in advance
- planning an operational briefing
- doing a risk assessment
- recording your actions on the record of investigation

For more information, see related links:

- Operational briefings and planning
- Telling officers about risks – responsibilities

Also see links on left:

- Powers to enter and search premises
- Restrictions on searching and items you cannot seize

#### In this section

[Planning a premises search, practical considerations](#)

#### Related links

Operational briefings and planning  
Telling officers about risks - responsibilities  
[Premises search book](#)

This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

If the search takes place at short notice, for example following an arrest, you must:

- still make all checks you can which must include checks with the local:
  - intelligence unit
  - police control room
- conduct a risk assessment and give an operational briefing which you can record in your notebook if you have not had time to write them out in full
- make sure you update the record of investigation as soon as possible

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## Search and seizure: premises

### Planning a premises search: practical considerations

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	<b>Consider</b>		
	Entry and exit:	Identify potential points of entry and exit, for example: <ul style="list-style-type: none"> <li>• doors, gates and alleyways</li> <li>• what they are made of</li> <li>• how you will get in</li> </ul>	
	Type of premises:	What is the main purpose of the premises: <ul style="list-style-type: none"> <li>• residential or commercial buildings, for example:                             <ul style="list-style-type: none"> <li>○ car wash, restaurant or factory</li> </ul> </li> <li>• if they are single or multiple occupancy</li> <li>• vehicles</li> </ul>	
	Time of the search:	The Police and Criminal Evidence Act (PACE) code of practice B says you conduct searches at a 'reasonable' hour, unless it would hinder the purpose of the search. <p>Generally this means you must speak to your supervising officer and get authority, if you want to visit premises (especially residential ones) very early in the morning or late at night.</p> <p>For more information, see related link: Police and Criminal Evidence Act (PACE) code of practice B 2011.</p>	
What to do if you encounter people on the premises:	For example: <ul style="list-style-type: none"> <li>• how you will control them</li> </ul>		



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		<ul style="list-style-type: none"> <li>• where you will put them</li> <li>• if you need to speak to them</li> <li>• what you will do if they are arrested</li> </ul>	
	Who will do the searching	<p>Consider:</p> <ul style="list-style-type: none"> <li>• having specific search teams</li> <li>• allocating areas to be searched</li> </ul>	
	Potential hazards:	<p>This must be covered in your risk assessment, but some examples are:</p> <ul style="list-style-type: none"> <li>• kitchen implements, gas or flame</li> <li>• dogs or other animals</li> <li>• industrial equipment and chemicals</li> <li>• drugs and firearms</li> </ul> <p>For more information on risk assessment, see related link: <a href="#">Operational briefings and planning.</a></p>	
	Search kit:	<p>Contents may vary, but suggested items to include are:</p> <ul style="list-style-type: none"> <li>• evidence bags of assorted sizes and types</li> <li>• bag seals</li> <li>• fingerprint equipment</li> <li>• masks and gloves of various sizes</li> <li>• protective over clothing and paper shoes</li> <li>• camera</li> <li>• stationery</li> </ul>	
	First aid kit:	<p>This must be easily accessible in case you need it.</p>	
	Premises search book:	<p>Is useful to keep extras and continuation books in case you need them.</p> <p>For more information, see related link: <a href="#">Premises search book.</a></p>	

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	<p>Security and storage of seized items:</p>	<p>Consider:</p> <ul style="list-style-type: none"><li>• where you will keep seized items while you are still on the premises</li><li>• who will be responsible for them</li><li>• telling officers all bags must be sealed</li></ul> <p>For more information, see related link: Tamper evident bags.</p>	
	<p>Who will look at any seized items</p>	<p>Think about:</p> <ul style="list-style-type: none"><li>• who is going to examine seized items to assess their evidential value</li><li>• when and where they will do this</li></ul>	
	<p>Where will any seized items be taken</p>	<p>Consider where seized items need to go once you leave the premises, which could be:</p> <ul style="list-style-type: none"><li>• a police station</li><li>• property store</li><li>• the office</li></ul> <p>If you finish late you must store seized items securely. You must not:</p> <ul style="list-style-type: none"><li>• take them home with you</li><li>• leave them on a desk or in a cupboard</li><li>• lock them in a drawer not intended for property storage</li></ul> <p>You can lock them in a transit (temporary) property store until they can be placed in the regular property store.</p>	

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		For more information, see related link: <a href="#">Property control and storage.</a>	
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## Search and seizure: premises

### Conducting a premises search

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This section tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about how to conduct and record a premises search. It covers entry, roles, paperwork and tips on searching.

#### Entry to premises

You must decide when planning your search what power of entry you are going to use. You can discuss this with your supervising officer if you are not sure.

If you have a search warrant to enter premises you have a legal power of entry. The owner or occupier must let you in. If they do not you may be able to use reasonable force to enter. For more information on reasonable force, see related link: 61 Arrest teams – operational procedures.

You can use a statutory power of entry without a warrant depending on which section of the immigration acts you are using. This also gives you a legal power of entry.

You can consider entry with the informed consent of the occupier. You must only consider this option once you have confirmed you have no other power of entry. This is because this option does not give you a legal power of entry. It is also more likely to attract a complaint if you do not explain it to the occupier properly.

On entry, you must:

- in all cases identify yourself and show your Home Office warrant card, you:
  - do not have to give your name if you believe this would put you in danger, and
  - can give your warrant number instead
- show the search warrant if you have one
- leave a copy of the endorsed warrant showing what has been seized or who has been arrested, before you leave
- explain what power of entry you are using:

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[Searching a room](#)  
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#### Related links

61 Arrest teams - operational procedures  
Method of entry (MoE) policy

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- a search warrant
- statutory power
- if you are using informed consent:
  - explain to the occupier why you want to come in
  - tell them exactly what or who you are looking for
  - advise them they can withdraw consent at any time before the search has started or during the search
  - it is essential you ask the occupier to sign the relevant section of the premises search book to confirm they have understood, as soon as you enter (to avoid any disputes later on)
  - if they do withdraw consent, you must leave the premises immediately

For more information on the powers to enter and search premises, see link on left.

For more information on the premises search book, see related link.

**Method of entry (MoE): forced entry**

If you have a search warrant to enter and search it may also allow you to use force to enter the premises if necessary.

A senior officer of at least Chief Immigration Officer grade must authorise this and the authorisation must be recorded in writing.

You are only allowed to use MoE if you have been trained, and you must:

- always work in pairs
- wear the specialist protective equipment provided
- stand aside and let the team secure the premises once you have gained entry

The premises search book officer must record any damage caused. It is also a good idea to take photographs of any damage.

If you are the officer in charge it is your responsibility to make sure the premises are secure

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before you leave, by:

- confirming the occupier or other person allowed to be there is on the premises
- arranging to secure the premises using local arrangements your office has in place

For more information, see related link: Method of entry (MoE) policy.

### **Safety while searching**

There are many types of premises you might have to search but the most frequent are probably houses, restaurants, vehicles and places of work. For more information, see link on left: Definition of premises. The principles are the same wherever you are searching. You just need to tailor your risk assessment and search to the premises in question.

When you enter the team secure the premises and make sure they are safe. This may mean asking the occupier to, for example, turn off an oven or lock an animal away. If you are conducting a search of commercial premises you must also consider:

- if any industrial equipment needs to be turned off or if it is safe to leave it running
- whether to allow any members of staff to continue working during the search
  - how you are going to keep everyone safe and secure if you do

It is important to consider this because turning off industrial equipment may have a high financial cost factor which could lead to claims being made against the Home Office.

### **The key to an effective search**

The key to a good search is to be methodical. Wherever possible all searches of premises must be carried out in pairs. This is best practice because it helps to:

- prevent accusations of damage or theft, particularly around cash or valuable property
- makes sure the search is thorough if you keep checking with each other
- corroborates (confirms) any evidence you find

If for operational purposes you cannot search in pairs you must seek permission from the

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	premises search officer or officer in charge to search on your own. If they agree you must tell them immediately if you find anything significant so they can record details.	
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## Search and seizure: premises

### Roles when conducting a premises search

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This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams about some specific roles which are needed to conduct a premises search.

You will be given your role by the officer in charge (OIC) during the operational briefing before the operation takes place. For more information on all of the arrest team roles in general, see related link: 61 Arrest teams – operational procedures.

#### Premises search book officer

If you are given this role it is your job to accurately record details of the operation (deployment), arrests, searches and evidence seized.

You must complete a separate premises search book for each address you go to, even if multiple addresses are part of the same operation. You must record in the premises search book:

- your powers of entry, see link on left: Powers to enter and search premises
- time of entry and address being visited
- notes of what is happening and any incidents which occur
- information given to you by officers
- details of arrests and searches
- evidence seized
- any significant statements made

A significant statement is:

'one which appears capable of being used in evidence against the suspect, in particular a direct admission of guilt' (Police and Criminal Evidence Act (PACE) code of practice C 2012 11.4A). For more information, see related link: Police and Criminal Evidence Act (PACE) code C 2012.

#### In this section

[Premises search book](#)  
[Searching a room](#)  
[Searching a vehicle](#)

#### Related links

61 Arrest teams - operational procedures  
Cash seizure  
Operational briefings - risk  
Safe handling and disposal of drugs  
Firearms and explosives – safe handling procedures

#### Downloads

Police and Criminal Evidence Act (PACE) code of practice C 2012



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Remember the premises search book will be looked at if anything goes wrong. In a prosecution it also shows evidence has been seized correctly.

When the search is ready to be started:

- think about where you are going to base yourself, for example:
  - in the room being searched
  - somewhere more central if several rooms are being searched
- make sure you have all the equipment you will need
- make a sketch of the layout before the search starts, or once the search is completed
- if searching more than one room it is a good idea to number the rooms clearly, and tape numbers to the doors if you can
- record details of any damage visible before the search, or caused during the search
- make sure you know who is searching each room
- record:
  - which officers were doing the search
  - the time the search started and finished
  - details of what was seized

Remember it is you who dictates the pace of the search. If you are not ready to record something or for a new room to be started tell officers they must wait until you are ready.

For more information, see related links: Premises search book.

### **Search officers**

If you are a search officer you must be clear about:

- what you are searching for
- what powers you are using

You must always:

- wear gloves and personal protective equipment

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- accurately label tamper proof evident bags
- check if the officer in charge wants bags exhibit references to follow a particular format
- seize cash in line with the cash seizure guidance
- make relevant records in your notebook
- tell the premises search book officer what you are doing and what you have found

You may find suspicious or dangerous items, for example drugs, knives or firearms. If you are not sure what to do with them, or think they may be legally prohibited items, you must tell the officer in charge.

If you think there is an immediate danger you must follow the exit strategy explained to you in the operational briefing you received before the search started. For more information, see related links:

- Cash seizure
- Operational briefings – risk
- Safe handling and disposal of drugs
- Firearms and explosives – safe handling procedures

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## Search and seizure: premises

### Premises search book

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<p>User guide.</p>	<p>This gives you guidance:</p> <ul style="list-style-type: none"> <li>• on how to exhibit seized items</li> <li>• from the Police and Criminal Evidence Act 1984 (PACE) about caution and interview</li> <li>• on how to complete the premises search book</li> </ul> <p>For more information on the legislation, see related link.</p>					
<p>Premises search record, which is carbonated so there is a removable copy for your case file.</p>	<p>This is where you record:</p> <ul style="list-style-type: none"> <li>• the address you are going to</li> <li>• powers of entry you are using</li> <li>• details of:                             <ul style="list-style-type: none"> <li>○ the officer in charge of the search</li> <li>○ officers present</li> <li>○ forced entry</li> <li>○ any damage caused during the search</li> <li>○ arrangements to secure the premises</li> <li>○ extent of the search</li> <li>○ people encountered on the premises</li> <li>○ items seized</li> <li>○ any further areas searched</li> </ul> </li> </ul>					

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		<ul style="list-style-type: none"> <li>• signatures of the reporting and supervising officers</li> </ul>	
	<p>Information to the occupier, which is also carbonated.</p>	<p>This gives details of:</p> <ul style="list-style-type: none"> <li>• the address you are going to</li> <li>• powers of entry you are using</li> <li>• details of the officer in charge of the search</li> <li>• more information about powers of search and seizure under the Immigration Act 1971</li> </ul> <p>You must give a copy of this to the occupier before you leave the premises. If you have executed a warrant and the premises are empty during the search you must leave both in a prominent position.</p>	
	<p>Scene notes.</p>	<p>This is where you record details of what happens during the search. You must include:</p> <ul style="list-style-type: none"> <li>• the time the notes were started and completed</li> <li>• the location you made the notes</li> <li>• the time any caution was given</li> <li>• details of what is happening from:             <ul style="list-style-type: none"> <li>○ your own observations, and</li> <li>○ what officers are telling you</li> </ul> </li> </ul>	
	<p>Record of persons on premises.</p>	<p>This is where you record:</p> <ul style="list-style-type: none"> <li>• details of anyone encountered on the premises</li> <li>• details of any arrests made</li> <li>• any other relevant information</li> </ul>	
	<p>Property seized.</p>	<p>There are several pages where you can record details of any items seized during the search. You must include:</p> <ul style="list-style-type: none"> <li>• the entry number on the page (number entries from one onwards in the relevant column)</li> </ul>	

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		<ul style="list-style-type: none"><li>• a description of the item</li><li>• details of:<ul style="list-style-type: none"><li>○ who found it and where they found it</li><li>○ the time it was seized</li><li>○ the exhibit reference</li><li>○ where it was sealed, who sealed it and the seal number</li><li>○ where the item was put and who by</li><li>○ the custody number or property book number if the item is being stored at a police station</li></ul></li><li>• details of any questions that were asked when the items were found and the answers, and:<ul style="list-style-type: none"><li>○ record any significant statements (or silences) word for word</li><li>○ for a definition of significant statements, see related link: Roles when conducting a premises search</li></ul></li></ul>	
	Blank graph paper.	You can use this to draw maps of the premises and rooms.	
<p>There is also an 'additional premises search book' which contains pages where you can record more exhibits if there is not enough room in the first book.</p>			

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## Search and seizure: premises

### Searching a room

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This page gives criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams advice on searching a room.

The best way to search is to use a set order each time you search a room, vehicle or other premises. If you get into the habit of searching in a particular order you are less likely to miss something. Things to consider are:

Official sensitive – do not disclose – start of section

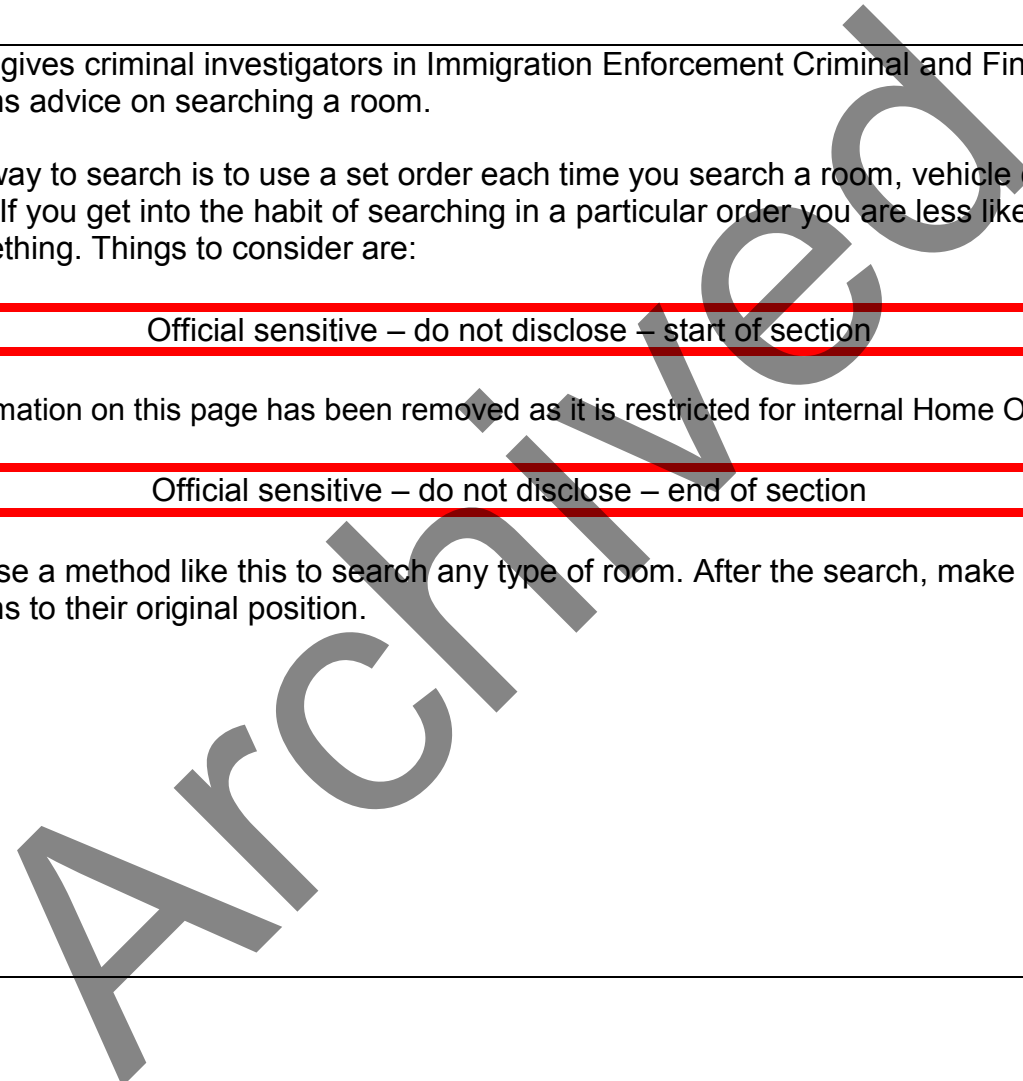
The information on this page has been removed as it is restricted for internal Home Office use

Official sensitive – do not disclose – end of section

You can use a method like this to search any type of room. After the search, make sure you return items to their original position.

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## Search and seizure: premises

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[Good practice for search of premises](#)  
[Planning a premises search](#)  
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This page gives criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams advice on searching a vehicle.

When searching a vehicle you may decide to have 2 pairs of officers doing the search.

One pair concentrates on the inside of the car and the boot – the clean areas. And the other pair concentrate on the engine, wheel areas and underneath – the dirty areas.

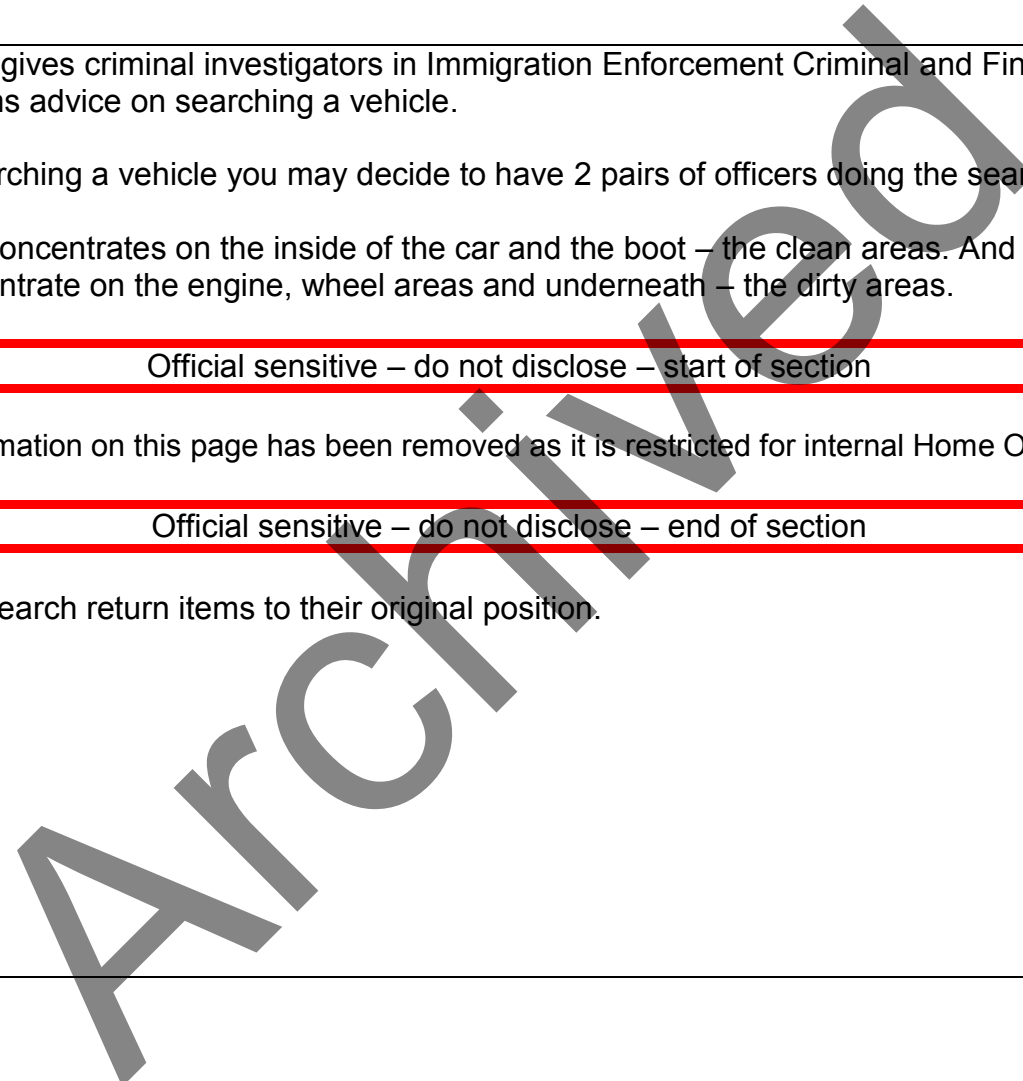
Official sensitive – do not disclose – start of section

The information on this page has been removed as it is restricted for internal Home Office use

Official sensitive – do not disclose – end of section

After the search return items to their original position.

**In this section**  
[Roles when conducting a premises search](#)  
[Premises search book](#)  
[Searching a room](#)



This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Contact

<p><a href="#">About this guidance</a> <a href="#">Definition of premises</a> <a href="#">Powers to enter and search premises</a> <a href="#">Search warrants</a> <a href="#">S19, 20, 22 Police and Criminal Evidence Act, general power to seize</a> <a href="#">Seize and sift powers, Criminal Justice and Police Act 2001</a> <a href="#">Restrictions on searching and items you cannot seize</a> <a href="#">Providing access to and copying seized material</a> <a href="#">Standards you must meet when searching premises</a> <a href="#">Good practice for search of premises</a> <a href="#">Planning a premises search</a> <a href="#">Conducting a premises search</a></p>	<p>This page tells criminal investigators in Immigration Enforcement Criminal and Financial (CFI) teams you who to contact if you need more help with a question about the 'Search and seizure: premises' guidance.</p> <p>If you have read this guidance and still need more help, you must first ask your line manager.</p> <p>If you need further help you may contact:</p> <div style="border: 2px solid red; padding: 5px; text-align: center;"><p>Official sensitive – do not disclose – start of section</p><p>The information on this page has been removed as it is restricted for internal Home Office use</p><p>Official sensitive – do not disclose – end of section</p></div> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the policy team, using the related link: Email: Criminal and financial investigation operational guidance inbox who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Guidance, rules and forms team.</p>	<p><b>See also</b> <a href="#">Changes to this guidance</a> <a href="#">Information owner</a></p> <p><b>External links</b> Links to staff intranet removed</p>
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This guidance is based on: PACE 1984, PACE Order (application to immigration officers and designated customs officials) 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007 and Criminal Justice and Police Act 2001.

## Search and seizure: premises

### Information owner

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This page tells you about this version of the 'Search and seizure: premises' guidance, and who owns it.

Version	3.0
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Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
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Approval date	1 February 2015

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Links to staff intranet removed