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| APPLICATION FOR SEARCH WARRANT*(Criminal Procedure Rules, rr.47.26 & 47.29; section 2, Criminal Justice Act 1987)* |
| See the notes for guidance (‘GN’) at the end of this form. Use this form **ONLY** for a search warrant application under **section 2 of the Criminal Justice Act 1987**. GN1 There are different forms for applications under other Acts.Application to be heard at [a magistrates’ court] [the Crown Court GN2 at ………………...…….……]This is an application by ……………………………………………...…….……… (name of applicant),a member of the Serious Fraud Office.Applicant’s address:GN3 ………………………………………...…….……………………………...…Email address: …………………………………………...…….………………………………………Phone: Mobile: |
| **Arrangements for hearing the application**I estimate that the court should allow …………….… (time) to read this application and …………….… (time) for the hearing. GN4 & 5I expect any warrant issued to be executed on …….… (planned date) at ……….(planned time). GN4My application [does] [does not][[1]](#footnote-1) include confidential information in a separate document. GN5 |
| **1. Complete the boxes above and boxes 1 to 5 below.** If you use an electronic version of this form, the boxes will expand. GN1 If you use a paper version and need more space, you may attach extra sheets.2. Complete the declaration in box 6 and the authorisation in box 7.3. Attach the draft warrant(s) you are asking the court to issue.4. Send or deliver a copy of the completed form and all supporting documents to the court. GN4 You may send them by secure email. Make sure the court knows if the application is urgent. Your time estimates will help the court to allow enough time to prepare for the hearing. |
| **1) The investigation.** Describe the investigation being conducted by the Director of the Serious Fraud Office (the Director). You must include an explanation of what is alleged and why, and a chronology of relevant events. |
| **2) Documents sought.** GN6(a) What documents are you looking for?(b) Why do you believe that those documents relate to a matter relevant to the investigation?(c) If what you are looking for includes information that may be stored on an electronic device:(i) what device(s) or description(s) of device (e.g. server; desktop; laptop; tablet; smartphone; removable storage; etc.) are you looking for? Give as much detail as practicable.(ii) why do you believe that the information for which you want to search is likely to be stored there?(d) If the material for which you want to search, including any information stored electronically, may consist of or include~~s~~ items subject to legal privilege, what arrangements will you make to sift it? GN7 & 8(e) One of the following three conditions must apply. Tick to indicate which.[ ]  (i) a person has failed to comply with a notice by the Director to produce the documents.[ ]  (ii) it is not practicable to serve such a notice in relation to the documents.[ ]  (iii) the service of such a notice in relation to the documents might seriously prejudice the investigation.Explain why you believe that the condition you have ticked applies: |
| 3) Premises to be searched. GN9 Use this box only if you are applying for a search warrant in respect of one set of premises. If you are applying for the issue of warrants in respect of more than one set of premises, tick this box [ ]  and complete the table at the end of this form instead.(a) Address or other description of the premises:(b) Explain why you think the documents you are looking for are on those premises. Your explanation usually should include:* the type of premises (e.g. commercial, residential) and the outcome of any previous search of the premises during the last year, and
* the expected occupier(s), whether any is suspected of involvement in the offence(s) under investigation, whether any has a criminal record, and whether special arrangements for any may be needed under PACE Code B.
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| 4) Preservation of documents. Use this box only if you are applying for the court’s authority to preserve documents without seizing them.(a) What steps do you want the court’s authority to take to preserve and prevent interference with any documents? Specify those steps.(b) Why? Explain the reasons. |
| 5) Duty of disclosure. GN10 See also the declaration in box 6.Is there anything of which you are aware that might reasonably be considered capable of undermining any of the grounds of this application, or which for some other reason might affect the court’s decision? Include anything that reasonably might call into question the credibility of information you have received, and explain why you have decided that that information still can be relied upon. |
| 6) DeclarationTo the best of my knowledge and belief:(a) this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application, and(b) the content of this application is true.I undertake to inform the court if information that might reasonably be considered capable of undermining any of the grounds of this application comes to my knowledge after a search warrant is issued but before the search takes place.Signed:GN1 ……………………...……………………………………….………………………… [applicant]Date: …………………………. Time: …………………………. |
| 7) AuthorisationI have reviewed this application.To the best of my knowledge and belief this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of its grounds,I am satisfied that making this application is a necessary and proportionate step to take in this investigation,I am satisfied that the applicant will be able to answer the court’s questions.I authorise the applicant to present this application to the court.Authorising officer’s name: ……..…………………………..…………..…………………………………..…Rank or grade: ………………………………………..…………..…………………………………………..…Signed:GN1 ………………….………………………….…………………………….… [authorising officer]Date: …………………………. Time: …………………………. |
| DecisionI heard this application today.The applicant satisfied me about his or her entitlement to make the application.The applicant confirmed on oath or affirmation the declaration in box 6.The applicant gave me additional information, the essence of which was:[[2]](#footnote-2)I [issued] [refused to issue] [a warrant] [warrants] because:[[3]](#footnote-3)Name: ………………………………………..…………..…..… [Justice of the Peace] [District Judge (Magistrates’ Court)] [Circuit judge]Signed: ………………………………………..…………………………………………………………...…Date: …………………………. Time: …………………………. |

**List of premises to be searched.** See box 3. Use this table if you are applying for the issue of warrants in respect of more than one set of premises.

**In column (a)**, give the address or other description of the premises. **In column (b)**, explain why you believe the documents you are looking for are on those premises.

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| **(a) Address or description of premises** | **(b) Reasons for believing documents are on those premises** |
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**Notes for Guidance**

**Before you fill in this form**, read PACE Code B[[4]](#footnote-4).

**1. Use of this form**

Use this form ONLY for an application by a member of the Serious Fraud Office for a search warrant under section 2 of the Criminal Justice Act 1987. This form collects the information required by that section of that Act.

If an electronic version of this form is used, instead of a signature it may be authenticated electronically (e.g. by sending it from an email address recognisable to the recipient): see Criminal Procedure Rules, rule 5.3. Forms for use with the Rules are at: <https://www.gov.uk/guidance/criminal-procedure-rules-forms#other-proceedings>.

**2. The court**

The legislation allows an application to be made to a justice of the peace, a District Judge (Magistrates’ Court), or a Circuit or other judge exercising the powers of a justice of the peace under section 66 of the Courts Act 2003.

**3. Applicant’s contact details**

The court may need to contact the applicant urgently. In choosing the address and telephone number(s) to give, applicants should be aware that details entered in this application form may be disclosed in subsequent legal proceedings, unless the court orders them to be withheld.

**4. Making an application: time estimates and live links**

An application must be made to the court address for the applicant’s area given by HM Courts and Tribunals Service, unless it is one that must be heard by the Chief Magistrate.

Electronic service of the application, by email to a secure inbox, is more secure than paper and is strongly preferred. Use a format (for example Word, rather than pdf) that allows you to complete or amend the application and which allows the court to amend the draft warrant if required.

If the application includes details that you think should be withheld in any subsequent legal proceedings, set out those details in a separate document marked as confidential to the court and in that document explain why you think that those details ought not be seen by anyone other than the court: see rules 5.10(9) and 47.26(4) of the Criminal Procedure Rules.

If an application is very sensitive, special arrangements can be made. Consult the court.

The court needs a realistic estimate of how long to allow for reading and hearing the application. If in doubt, consult the court. To help assess the urgency of the application compared with others, the court also needs to know when it is expected that the warrant will be executed.

Where a live link is available, it can be used for the applicant to attend before the court, if the court so allows. The application must have been delivered to the court (delivery may be by email). Applicants should be aware that the court may not consider live link a satisfactory method by which to receive explanations of material of great factual complexity, or by which to hear an application in which the court has to be referred to a substantial number of documents.

At the hearing the applicant will be required to take an oath or affirm: see Criminal Procedure Rules, rule 47.25(4).

**5. Special features of applications by the Serious Fraud Office**

Investigations by the Director of the Serious Fraud Office are, by definition, of such complexity that it would be exceptional not to supplement this form with additional documents. In particular, rule 47.29 of the Criminal Procedure Rules requires that, if the court so directs, the applicant must make available to the court material on which is based the information given in this application. The nature of such investigations is likely to require the court to set aside a significant period for reading and hearing this application.

**6. The documents sought (see also guidance notes 7 & 8)**

The applicant must explain what the search is for in as much detail as practicable. A corresponding description must be entered in the draft warrant for the court (and the applicant must take care that the words used in the warrant can be understood without reference to the rest of the application). The search may be unlawful if the warrant does not sufficiently identify the documents for which it authorises search, or if it leaves the identification of those documents to the discretion of those who conduct the search. Powers to seize additional material beyond the scope of the warrant are given by section 19 of the Police and Criminal Evidence Act 1984 and section 50 of the Criminal Justice and Police Act 2001.

**7. Legal privilege**

Under section 2(9) of the Criminal Justice Act 1967, neither the Director nor the court can require a person to produce any document which that person would be entitled to refuse to produce on grounds of legal professional privilege in proceedings in the High Court. However, a lawyer may be required to give the name and address of his or her client.

**8. ‘Seize and sift’**

Under section 50 of the Criminal Justice and Police Act 2001, if a person executing a search warrant (a) finds something which he or she has reasonable grounds to believe may be, or may contain, something for which that person has authority to search under the warrant, and (b) it is not reasonably practicable there and then to determine whether that is so; then that person can seize so much of what he or she has found as it is necessary to remove to enable that to be determined.

Under that same section, if such a person (a) finds something which he or she would be entitled to seize under the warrant but for its being comprised in something which he or she is not entitled to seize, and (b) it is not reasonably practicable there and then to separate the seizable property from the other property; then that person can seize both the seizable and the other property.

**9. Premises to be searched**

The applicant must describe the premises in as much detail as needed to define the geographical extent of the search authorised by the court. A corresponding description must be entered in the draft warrant for the court. If only part of a building is to be searched, a plan may be helpful. If you are applying for warrants in respect of more than one set of premises you must attach a draft warrant for each.

A vehicle on premises that you are authorised to search (on a driveway or in a garage, for example) can be searched in the same way as anything else on those premises. If you want to search a vehicle parked nearby (in the street, for example) you can apply for a warrant to search it as separate premises.

**10. Duty of disclosure**

Information that might undermine any of the grounds of the application must be included in the application, or the court’s authority for the search may be ineffective. The court will not necessarily refuse to issue a warrant in every case in which there is information that undermines the grounds of the application.

The applicant must identify for the court information that comes from a source that cannot be tested (for example, a report from an anonymous informant), and must explain why that information is thought to be credible. Sensitive information may be set out in a separate document: Criminal Procedure Rules, rule 47.26(4) (and see guidance note 4 above).

The applicant must inform the court if there is anything else that might influence the court’s decision to issue a warrant and which is not the subject of any other question in this application form. This may include whether there is any unusual feature of the investigation or of any potential prosecution – for example, might the investigation result in a private prosecution?

October 2021

1. Delete as applicable. [↑](#footnote-ref-1)
2. Delete if not applicable. [↑](#footnote-ref-2)
3. Delete as applicable, and give reasons for your decision. [↑](#footnote-ref-3)
4. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903811/pace-code-b-2013.pdf> [↑](#footnote-ref-4)