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| APPLICATION FOR SEARCH WARRANT*(Criminal Procedure Rules, rr.47.26 & 47.34; sections 15 & 16, Police and Criminal Evidence Act 1984)* |
| See the notes for guidance (‘GN’) at the end of this form. Use this form **ONLY** for a search warrant application under a power to which **sections 15 and 16 of the Police and Criminal Evidence Act 1984** (PACE) apply and for which there is **no separate form**.GN1 There are separate forms for applications under (i) section 8, PACE, (ii) section 26, Theft Act 1968, (iii) section 23, Misuse of Drugs Act 1971, (iv) section 2, Criminal Justice Act 1987, (v) PACE Schedule 1, paragraph 12, (vi) Terrorism Act 2000 Schedule 5, paragraph 11, (vii) section 352, Proceeds of Crime Act 2002 and (viii) section 160, Extradition Act 2003.Application to a magistrates’ courtThis is an application by ……………………………………………...…….……… (name of applicant)of …………………………………………...…….……… (name of police force or investigating agency)Applicant’s address:GN2………………………………………...…….……………………………...…Email address: …………………………………………...…….………………………………………Phone: Mobile:**I am** **a constable** [ ]  or another person authorised to apply for a search warrantGN3 [ ]  |
| Arrangements for hearing the applicationI estimate that the court should allow …………….… (time) to read this application and …………….… (time) for the hearing.GN4I 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.GN4 |
| **1. Complete the boxes above and boxes 1 to 8 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 9 and the authorisation in box 10.3. Attach the draft warrant(s) you are asking the court to issue.4. Send or deliver a copy of the completed form and draft warrant(s) 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 main search power.**GN5(a) What legislation allows the court to issue the warrant(s) for which you are applying? This is the main search power.(b) If you are not a constable, what legislation allows you to make this application? |
| **2) The investigation.** What you need to explain will depend on the terms of the main search power.(a) What are you investigating?(b) Why do you think the offence or activity under investigation has taken place? The main search power may require you to show that you ‘suspect’ or ‘believe’ it has taken place. |
| **3) Articles or person(s) sought.**GN6, 7 & 8(a) What, or who, are you looking for? Give as much detail as practicable. Explain how those things, or people, meet the criteria for the issue of a search warrant prescribed by the main search power.(b) 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; mobile phone; 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?(c) If the material for which you want to search, including any information stored electronically, may consist of or include items subject to legal privilege, what arrangements will you make to sift it?GN7 & 8 |
| 4) Premises to be searched which CAN be specified.GN9 Use this box if you are applying for a search warrant in respect of one set of premises which you can specify. If you are applying for warrants in respect of more than one set of premises which you can specify, use this box for the first set of premises then tick here [ ]  and complete the table at the end of this form for the others. You must attach a draft warrant for each set of premises that you specify. If you want to search other premises that you CANNOT specify, complete box 5 below as well.(a) Address or other description of the premises:(b) Why do you think that the articles or person(s) you are looking for is/are on those premises? The main search power may require you to show that you ‘suspect’ or ‘believe’ they are there.(c) How do the circumstances satisfy any access conditions prescribed by the main search power? What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation. 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 and College of Policing guidance.
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| 5) Premises to be searched which CANNOT be specified. Use this box only if you are applying for a search warrant in respect of premises that you cannot specify and which are occupied or controlled by a person you can identify (an ‘all premises warrant’). Whether the court can issue an all premises warrant depends on the terms of the main search power. Use box 4 above and the table at the end of this form to specify as many sets of premises as you can.(a) Whose premises do you want to search? Name or describe the person in occupation or control of the premises.(b) If you have been able to specify some of that person’s premises, why is it not reasonably practicable to specify all the premises which you want to search?(c) Why is it necessary to search more premises than you can specify? There may be nothing to add to the answer to (b) above.(d) Why do you think the articles or person(s) you are looking for are on those premises? The main search power may require you to show that you ‘suspect’ or ‘believe’ they are there.(d) Why do you believe that it is not reasonably practicable to specify all the premises which might need to be searched? |
| 6) Search on more than one occasion. Use this box only if you are applying for the court’s authority to search premises on more than one occasion.(a) Which premises do you want to search on more than one occasion? List them.(b) Why is it necessary to search on more than one occasion in order to achieve the purpose for which the court issues the warrant?(c) How many times do you want to be able to search those premises? Specify any maximum number of occasions, or state ‘unlimited’. |
| 7) Search with additional persons. Use this box only if you are applying for the court’s authority to conduct the search with people who are not constables and who are not otherwise authorised by law by law to take part in searching for and seizing anything to which the warrant relates.(a) Which other persons do you want to take part in the search? Identify those people by function or description (e.g. scientists, IT experts, accountants). You do not need to identify anyone who will be present only as an observer.(b) Why do you want those people to take part in the search? |
| 8) Duty of disclosure.GN10 See also the declaration in box 9.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. |
| 9) 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: …………………………. |
| 10) 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 9.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)Signed: ………………………………………..…………………………………………………………...…Name: ………………………………………..…………..…..… [Justice of the Peace] [District Judge (Magistrates’ Court)]Date: …………………………. Time: …………………………. |

**List of specified premises to be searched.** See box 4. Use the table on this and the next page if you are applying for the issue of warrants in respect of more than one specified set of premises.

**In column (a)**, give the address or other description of the premises. **In column (b)**, explain why you think the articles or person(s) you are looking for is/are on those premises. (The main search power may require you to show that you ‘suspect’ or ‘believe’ they are there.) **In column (c)**, explain how the circumstances satisfy any conditions prescribed by the main search power. (What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation.)

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| **(a) Address or description of premises** | **(b) Reasons for thinking articles / persons are on those premises** | **(c) Reasons why access conditions are met** |
| (1) |  |  |
| (2) |  |  |
| (3) |  |  |
| (4) |  |  |
| **(a) Address or description of premises** | **(b) Reasons for thinking articles / persons are on those premises** | **(c) Reasons why access conditions are met** |
| (5) |  |  |
| (6) |  |  |
| (7) |  |  |
| (8) |  |  |
| (9) |  |  |

**Notes for Guidance**

**Before you fill in this form**, read PACE Code B[[4]](#footnote-4) and the College of Policing guidance[[5]](#footnote-5).

**1. Use of this form**

Use this form ONLY for an application for a search warrant under a power to which **sections 15 and 16 of the Police and Criminal Evidence Act 1984** (PACE) apply and for which **there is** **no separate form**. By section 15(1),[[6]](#footnote-6) “This section and section 16[[7]](#footnote-7) … have effect in relation to the issue to constables under any enactment, including an enactment contained in an Act passed after this Act, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless it complies with this section and section 16 ….” There are separate forms for applications under (i) section 8, PACE, (ii) section 26, Theft Act 1968, (iii) section 23, Misuse of Drugs Act 1971, (iv) section 2, Criminal Justice Act 1987, (v) PACE Schedule 1, paragraph 12, (vi) Terrorism Act 2000 Schedule 5, paragraph 11, (vii) section 352, Proceeds of Crime Act 2002 and (viii) section 160, Extradition Act 2003.

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. 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.

**3. Status of the applicant**

The applicant must satisfy the court about his or her entitlement to make the application. Officers of some other investigating authorities can apply for and execute warrants to enter, search and seize as if they were constables, under the legislation which applies to them. Examples include members of the National Crime Agency designated with the powers of a constable, and officers of HM Revenue and Customs.

**4. Making an application; time estimate; hearing**

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 justices’ legal adviser.

The court needs a realistic estimate of how long to allow for reading and hearing the application. A straightforward application to search one set of premises usually will need about 30 minutes. If in doubt, consult the justices’ legal adviser.

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.

The hearing will usually take place by telephone: see Criminal Procedure Rules, rule 47.25(2). The justices’ legal adviser will give you the telephone number and a secure code when you apply. The conversation may be recorded.

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

**5. Special requirements of the main search power under which the warrant is issued**

The main search power may require the applicant to demonstrate either suspicion or belief as to the presence of the articles or persons sought on the premises to be searched, and either suspicion or belief as to other grounds or conditions about which the court must be satisfied. One of those other grounds is likely to be that nothing sought consists of or includes items subject to legal professional privilege. When completing box 3, applicants must take care to satisfy the court about these requirements, or it may not be possible for the court to issue the warrant.

The main search power may prescribe criteria that must be met in relation to the premises to be searched, for example that giving the occupant notice would frustrate the purpose of the search, or that access has been refused, or that a person who could and would allow access cannot be found. When completing box 4, or the table the end of the form, applicants must take care to satisfy the court about these requirements, or again it may not be possible for the court to issue the warrant.

**6. The articles or persons sought (see also 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 material for which it authorises search, or if it leaves the identification of that material to the discretion of those who conduct the search.

**7. Legal privilege**

Under sections 8 and 10 of PACE, the court cannot issue a warrant to search for items subject to legal privilege. Unless the items in question are held with the intention of furthering a criminal purpose, those items are:

 (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;

 (b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

 (c) items enclosed with or referred to in such communications and made—

 (i) in connection with the giving of legal advice; or

 (ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

 when they are in the possession of a person who is entitled to possession of them.

**8. Other powers to seize and sift**

Under section 19 of PACE:[[8]](#footnote-8)

1. a constable who is lawfully on any premises may seize anything which the constable has reasonable grounds for believing has been obtained in consequence of the commission of an offence, or which is evidence in relation to an offence which the constable is investigating or any other offence, and in either case it is necessary to seize it to prevent it being concealed, lost, damaged, altered or destroyed.
2. a constable may require any information which is stored in any electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
3. no power of seizure conferred on a constable under any enactment authorises the seizure of an item which the constable exercising the power has reasonable grounds for believing to be subject to legal privilege.

Under section 50 of the Criminal Justice and Police Act 2001,[[9]](#footnote-9) 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 specified 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 may be able to apply for a warrant to search it as separate premises. Under section 23 of PACE[[10]](#footnote-10) the definition of ‘premises’ includes any vehicle and any movable structure, but **that definition may not apply under the main search power**. Use box 4 or the table at the end of the form if you can specify as premises the vehicle(s) you want to search (for example, by registration number or other description). Use box 5 if the main search power allows the court to issue an all premises warrant and you cannot specify a vehicle or vehicles you want to search. Include in box 5 an explanation of how you will establish that the person whom you identify has control of the vehicle(s) (it might be by that person’s possession of the vehicle keys, for example).

**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 brief 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)
5. <https://www.app.college.police.uk/app-content/investigations/investigative-strategies/search-powers-and-obtaining-and-executing-search-warrants/> [↑](#footnote-ref-5)
6. <https://www.legislation.gov.uk/ukpga/1984/60/section/15>. [↑](#footnote-ref-6)
7. <https://www.legislation.gov.uk/ukpga/1984/60/section/16>. [↑](#footnote-ref-7)
8. <https://www.legislation.gov.uk/ukpga/1984/60/section/19>. [↑](#footnote-ref-8)
9. <https://www.legislation.gov.uk/ukpga/2001/16/section/50>. [↑](#footnote-ref-9)
10. <https://www.legislation.gov.uk/ukpga/1984/60/section/23>. [↑](#footnote-ref-10)