

# Information to the Occupier

(Notice of the powers to search premises and of the rights of occupiers — Police and Criminal Evidence Act 1984 and Codes of Practice.)

Address of premises: 102 B. R. R. ST. Av

Type of premises: ENB 732 Occupier: John Smith

**POWER UNDER WHICH SEARCH MADE**

Warrant (copy attached) Act section \_\_\_\_\_  
date granted \_\_\_\_\_ by \_\_\_\_\_

or **Statutory Power under Police and Criminal Evidence Act 1984**  
(These powers are summarised on following pages)

Section 17 or  Section 18(5) or  Section 32

or  Section 18(1) This Power requires written authority of an inspector or above, which will normally be recorded by the inspector at (1) below. This Notice will show at (2) below if the inspector (or above) has recorded the authority elsewhere.

**(1) Recording on this Notice**  
*I hereby authorise the search of the above-named premises.*

Signature\* \_\_\_\_\_ Date/time \_\_\_\_\_

Name (Capitals)\* \_\_\_\_\_ Rank \_\_\_\_\_

**(2) Recorded elsewhere**  
Where authority recorded: 102 B. R. R. ST. Av

By whom (Name/rank)\* John Smith

Date/time recorded: 14/1/18

or  **With written consent of person entitled to grant entry**  
(only applicable where above powers not exercised)

*I hereby consent to Police searching the above-named premises.*

Signature \_\_\_\_\_

Name (Capitals)\* \_\_\_\_\_ Age \_\_\_\_\_

Status relative to premises \_\_\_\_\_

**OFFICER IN CHARGE OF SEARCH**

Name: John Smith Rank/number: T/L

Station/Branch: 4E

Address: 102 B. R. R. ST. Av

Time of search	
Date: <u>10/1/18</u>	Start: <u>14:34</u> Finish: <u>16:45</u>

\*In certain circumstances Police Officers names should be replaced by

**THE OCCUPIER SHOULD KEEP THIS NOTICE IN A SAFE PLACE IN CASE IT IS NEEDED FOR FURTHER REFERENCE. THE STATUTORY POWERS TO SEARCH PREMISES AND THE RIGHTS OF OCCUPIERS ARE SUMMARISED BELOW.**

## Codes of Practice

A copy of the "Code of Practice for the Searching of Premises by police and the Seizure of Property Found by Police Officers on Persons or Premises" – Code B, is available for you to consult at any police station. This notice is a summary only of the main provisions of the Code, which should be consulted if you require further details (Codes of Practice. Code B. Para 6.7.V).

## SUMMARY OF POWERS OF SEARCH UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

### Section 17(1)

Subject to the following provisions of this section, and without prejudice to any other enactment, a constable may enter and search any premises for the purpose of:

- (a) executing –
  - (i) a warrant of arrest issued in connection with or arising out of criminal proceedings; or
  - (ii) a warrant of commitment issued under section 76 of the Magistrates' Courts Act 1980;
- (b) of arresting a person for an indictable offence;
- (c) of arresting a person for an offence under –
  - (i) section 1 (prohibition of uniforms in connection with political objects), of the Public Order Act 1936; any enactment contained in sections 6 to 8 or 10 of the Criminal Law Act 1977 (offences relating to entering and remaining on property);
  - (iii) section 4 of the Public Order Act 1986 (fear or provocation of violence);
  - (iiia) section 4 (driving etc when under influence of drink or drugs) or 163 (failure to stop when required to do so by constable in uniform) of the Road Traffic Act 1988;
  - (iiib) section 27 of the Transport and Works Act 1992 (which relates to offences involving drink or drugs);
  - (iv) section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);
- (ca) of arresting, in pursuance of section 32(1A) of the Children and Young Persons Act 1969, any child or young person who has been remanded or committed to local authority accommodation under section 23(1) of that Act;
- (caa) of arresting person for an offence to which section 61 of the Animal Health Act 1981 applies;
- (cb) of recapturing any person who is, or is deemed for any purpose to be, unlawfully at large while liable to be detained–
  - (i) in a prison, remand centre, young offender institution or secure training centre, or
  - (ii) in pursuance of section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 (dealing with children and young persons guilty of grave crimes), in any other place;
- (d) of recapturing any person whatever who is unlawfully at large and whom he is pursuing; or
- (e) of saving life or limb or preventing serious damage to

### Section 18(1) (Entry and search after arrest)

Subject to the following provisions of this section, a constable may enter and search any premises occupied or controlled by a person who is under arrest for an indictable offence, if he has reasonable grounds for suspecting that there is on the premises evidence, other than items subject to legal privilege, that relates–

- (a) to that offence; or
- (b) to some other indictable offence which is connected with or similar to that offence

Except as provided by Section 18(5), no search may take place under this section unless an officer of the rank of inspector or above has given written authority. Unless wholly impractical the written authority will be recorded on this notice. Where it is recorded elsewhere information as to where it is recorded will be shown on this notice.

### Section 18(5) (Entry and search after arrest – Inspector's written authority NOT required)

A constable may conduct a search without obtaining the written authority of an inspector or above where the arrested person has not been taken to a police station and the arrested person's presence is necessary elsewhere for the effective investigation of the offence.

### Section 32 (Search upon Arrest)

Where a person has been arrested for an indictable offence at a place other than a police station a constable shall have the power to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to that offence for which he has been arrested.

### Section 44 - 47 (UK Borders Act)

These sections provide the power for a police officer, immigration officer or police civilian investigating officer to:

1. Search the premises of a person arrested for a criminal offence, but not in immigration detention, for nationality or identity documents in order to ascertain his identity, when it is suspected he is not a British Citizen.
2. Seize any nationality document relating to the arrested person, and retain it while it is suspected the arrested person may be liable to deportation or removal, and the retention of the document may facilitate that.

No search may take place without the written authority of at least the rank of Inspector in relation to a constable, or at least a chief immigration officer in relation to an immigration officer.

### Reasonable Force

In the exercise of a power to search, police may use reasonable force to enter the premises and carry out the search.

### With Consent

A constable may enter and search any premises with the written consent of a person entitled to grant entry to the premises. Where practicable the written consent will be recorded on this notice (Codes of Practice. Code B. Para 5.1).