

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, SCHEDULE 4 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 27

POWERS OF AUTHORISED OFFICERS EXECUTING WARRANTS

The following is the Schedule inserted after Schedule 4 to the Magistrates' Courts Act 1980 (c. 43)—

“SCHEDULE 4A

Section 125BA

POWERS OF AUTHORISED OFFICERS EXECUTING WARRANTS

Meaning of “authorised officer” etc

1 In this Schedule—

“authorised officer”, in relation to a warrant, means a person who is entitled to execute the warrant by virtue of—

- (a) section 125A of this Act (civilian enforcement officers); or
- (b) section 125B of this Act (approved enforcement agencies);

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971; and
- (c) any tent or movable structure.

Entry to execute warrant of arrest etc

2 (1) An authorised officer may enter and search any premises for the purpose of executing a warrant of arrest, commitment or detention issued in proceedings for or in connection with any criminal offence.

(2) The power may be exercised—

- (a) only to the extent that it is reasonably required for that purpose; and
- (b) only if the officer has reasonable grounds for believing that the person whom he is seeking is on the premises.

(3) In relation to premises consisting of two or more separate dwellings, the power is limited to entering and searching—

- (a) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other such dwelling; and
- (b) any such dwelling in which the officer has reasonable grounds for believing that the person whom he is seeking may be.

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Entry to levy distress

- 3 (1) An authorised officer may enter and search any premises for the purpose of executing a warrant of distress issued under section 76 of this Act for default in paying a sum adjudged to be paid by a conviction.
- (2) The power may be exercised only to the extent that it is reasonably required for that purpose.

Searching arrested persons

- 4 (1) This paragraph applies where a person is arrested in pursuance of a warrant of arrest, commitment or detention issued in proceedings for or in connection with any criminal offence.
- (2) An authorised officer may search the arrested person, if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (3) An authorised officer may also search the arrested person for anything which he might use to assist him to escape from lawful custody.
- (4) The power conferred by sub-paragraph (3) above may be exercised—
- (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that sub-paragraph; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (5) The powers conferred by this paragraph to search a person are not to be read as authorising the officer to require a person to remove any of his clothing in public other than an outer coat, a jacket or gloves; but they do authorise the search of a person's mouth.
- (6) An officer searching a person under sub-paragraph (2) above may seize and retain anything he finds, if the officer has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.
- (7) An officer searching a person under sub-paragraph (3) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person might use it to assist him to escape from lawful custody.

Use of force

- 5 An authorised officer may use reasonable force, if necessary, in the exercise of a power conferred on him by this Schedule.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)