

Search Warrants – During Court Hours

Applications in the South East Region of HMCTS

(This protocol covers applications made by police forces covering the counties of Surrey, Sussex, Kent, Thames Valley, Kent, Essex, Cambridgeshire, Bedfordshire, Hertfordshire, Norfolk and Suffolk, Immigration, MOD police, NCA and BTP).

Guidance to Mental Health.

Introduction

This guidance is produced to assist police forces, in conjunction with HMCTS, to effectively manage the efficient and effective administration of search warrant applications made by police forces across the South East Region. This guidance should be read and followed in conjunction with the following documents:-

- [The step-by-step guide for using the scheme is at page 3](#)
- [Team Up Guidance for booking slot for application is at page 8](#)
- “out of Hours” search warrant scheme
- [Police Guidance when applying for a Court issues Search Warrant page 6](#)

Background to the scheme.

A HMCTS project team was established to investigate whether a Monday to Friday daytime regional search warrants scheme, complementing the out-of-hours scheme, could have positive benefits to both applicants and HMCTS. At present, in many locations across the South East Region, police officers contact local court houses when they wish to make an application for a warrant(s). Sometimes courts are able to accommodate warrant applications immediately but other times officers are kept waiting until there is an appropriate break in the court list or proceedings, and on occasions, they are asked to attend the following day or make their application to the “out of hours” scheme. Sometimes, particularly if late in the day, access to a Justice of the Peace (JP) can be difficult and delay is again caused to the applicant whilst arrangements are made for the application to be heard. Diverting such applications into court lists disrupts the efficient processing of court business and even where the applicant does not experience a delay, other court users are often kept waiting, whilst the legal adviser and a JP consider the warrant application.

Scheme overview

The scheme will operate across the South East Region rotating across courthouses with police officers making their applications by telephone and paperwork being received and dispatched by secure email.

The scheme will use a web based booking system. Police officers using a web-based calendar to book in their warrant(s) application on a date and time convenient to them. Police officers can access the calendar 24 hours a day. Applications will be considered between 10.00am and 4.00pm.

Applications, warrants granted, and reasons for grant/refusal will be stored securely in an electronic pdf format or password protected within a designated search warrant folder. Hard copies of the paperwork will therefore be easily accessible to HMCTS should there be a requirement to produce informations at a future date. The electronic storage system will ensure that storage of the relevant information complies with data security and retention timescales. Only authorised personnel will have access to the secure email box and storage facility.

Legal advisers will be responsible for ensuring the relevant paperwork is both received and dispatched in good order in accordance with the guidance and that all information is correctly stored and filed.

Applications will be initially scrutinised by a legal adviser who will then provide advice on matters of law, practice and procedure to the relevant Justice of the Peace, who will be rostered to consider such applications on any particular day.

This scheme envisages that all warrants will be considered under this scheme unless the scheme is unable to respond quickly enough to an urgent application or the volume of warrants is such that diversion to a location court site is preferable. This scheme will operate in conjunction with and to complement the "out of hours" search warrant scheme (which will apply after 6pm).

Benefits of the scheme

It is envisaged that the scheme will:-

- Ensure that warrant applications, including urgent applications, are considered in a timely manner in accordance with the law and best practice;
- Enable the very vast majority of applications to be considered without disruption to the efficient processing of other court business;
- Provide an enhanced customer service to police forces within working hours and reduce both the uncertainty and delay that can be experienced when arranging to make a warrant application;
- Make best use of police, legal adviser and judicial time;
- Make best use of HMCTS estate by removing such applications from courtrooms; and
- Reduce the administrative tasks surrounding the processing, filing and storage of such applications by making best use of electronic and digital solutions.

Procedure and guidance for the police officers wishing to apply for a search warrant(s).

Applications for search warrants where the application is to be made during the working hours of 10.00 am to 4.00pm

1. **Making a booking:** Book in your application using the web-based Team Up calendar. Bookings can be made at anytime as the calendar is available 24 hours a day, 7 days a week.
2. The Team up Calendar can be accessed by pasting the following link into your internet browser.

<https://teamup.com/ks6690746618bf280f>

- [See Team up Guidance for assistance](#)

3. **When you can book a hearing:** Officers can choose the date and time of their application hearing from the available time slots on the calendar. There is additional guidance for multiple applications. Bookings can be made on the day you wish the application to be heard if there is space available and the time slot has not passed. It is feasible therefore that applications can be made on the same day as the application is to be heard if there is hearing time available in the calendar. Officers are encouraged however to book in advance thus helping the court to effectively manage applications and incorporate urgent applications at short notice. Ensure that the correct slot duration is booked.

Using the guidance obtain your booking code and ensure this is recorded on the calendar at the time your booking is made, the date within the booking code is the date the application is to be heard; for example **MH 01.04.20 1 Surname**. It is imperative that you do not include any personal details about the warrant on the Team Up calendar as the calendar is not on a secure website. It is also best practice not to include any information which could identify that this is a police calendar i.e. station or police name/ collar number or that it is a warrant application.

4. **Submitting applications:** All relevant paperwork must be submitted to the secure mailbox by 12 noon on the day prior to the hearing. Where paperwork is not submitted by this time, the booking will be removed from the Team Up calendar and officers will need to book an alternative date. The correct applications and warrants are attached to the last page of this guidance. Please name your documents to include the booking reference and not the address of the premises.

SouthEastSearchWar@Justice.gov.uk

An automated response will be sent from the above email address when an email has successfully been received. If you do not receive this automated response, your email has not been received therefore please check the address for errors.

Bookings for which no relevant paperwork is submitted will not be accommodated by the court. Paperwork must be submitted no later than 12

noon on the day prior to the hearing, where paperwork is not received by this time, the slot will be cancelled on the Team Up calendar and officers will need to re-book.

5. Should an officer no longer need the appointment that has been booked, the officer is required to delete the booking. To do this right click on the booking in Team Up and select delete, if the paperwork has already been submitted, an email needs to be sent to SouthEastSearchWar@Justice.gov.uk to advise the booking has been cancelled.
6. **Multiple Warrants:** Applicants should specifically note the guidance on booking multiple warrants as contained in the Team Up Guidance.
7. Submit the application and warrant to the secure HMCTS email box (below) your application and warrant must be sent in Word format as the warrant will be endorsed electronically by the Magistrate/ legal adviser. Your application and draft warrant will be rejected if submitted in PDF format. Please remember all documents submitted need to have the booking reference in the name.
 - a. Check that the correct booking code has been used on all paperwork and that you have supplied your contact phone number details. This is the telephone number on which the court will contact you at the application hearing time. Please note that the court now uses a Conferencing tool to ring officers; thus, officers should provide direct numbers – whether fixed or mobile numbers. When a call is answered, the Conferencing tool will require a human voice to speak by stating their name and pressing certain keys on their telephone to enter the conference. Calls to 101 or extension numbers will therefore be impossible.
 - b. Check that the paperwork has been submitted from a secure police email address. This is the email address that the court will return your electronically signed warrant if granted and/or reasons for the grant/refusal of the application.
 - c. If the officer is submitting the application on behalf of another officer, their email address must be included on the application and cc'd in when the application is sent to the inbox. Both email addresses must be secure police email addresses.
 - d. Check that only the booking code appears in the subject heading of the email for example **MH 01.04.20 1 Surname. Please do not include any other information in the subject header other than the booking code.**
 - **The secure email box can be accessed at SouthEastSearchWar@Justice.gov.uk**

Only legal advisers approved to support the regional duty search warrant scheme by their Senior Legal Managers will have access to the secure email box.

Where paperwork or information is missing, including the booking code, the duty legal adviser will contact you, at the earliest opportunity, and no later than the application hearing time, by phone or email. You will be advised to re book your application and re-submit your paperwork.

Whilst every effort will be made to give the applicant as much notice as possible that their application will not be considered due to paperwork error, it is the responsibility of police officers to ensure that their paperwork complies with the requirements of the scheme by submitting the correctly headed documents and in Word format.

8. Ensure that the application is signed by the same officer whose name appears at section 1 of the application form; s/he must also be the same officer who the court speaks to. If for any reason an applicant is unavailable for the hearing the application must, if possible, be resubmitted before the hearing with the new applicant's name and signature - all being authorised by an officer of at least Inspector rank. A failure to do this will lead to the application being rejected.
9. **Making the application:** At the designated application hearing time you will be contacted by the court and asked to verify your identity. You should be able to provide:-
 - a. Booking code;
 - b. Agency applying;
 - c. Inspector that authorised the application

If the court is satisfied that they are speaking to the applicant, you will be asked to take the oath/affirm and make your application.

10. You will need to provide your own holy book should you wish to use one. You must be ready with the oath/ affirmation at the time of your booking.

[The oath / affirmation is found at page 6 below.](#)

It is important that applicants are at an appropriate secure location to receive the court's call as it will not be possible to delay the application in order to facilitate the officer moving to another location, to ensure that the information they will provide cannot be overheard. Only the applicant should be present when making the application. No other person should be present or be able to overhear the application. Any request for any other person to be present with the applicant must be made expressly at the beginning of the application process to the legal adviser and magistrate in the absence of that person. Only where express permission has been sought and granted can that other person then be present. This is to cover situations for example, where officers are "training other officers in the making of such applications.

11. Applications should then be considered in the normal way as if you, the officer were present in the room.

Receiving the authorised warrant: Once considered the warrant will be electronically signed by the JP where granted. Supporting reasons for grant/refusal will be endorsed on the relevant paperwork and returned to the applicant electronically as a locked document or pdf, to prevent any subsequent amendments. Paperwork will only be dispatched to the email address from which the paperwork was received or if the paperwork was sent on behalf of another police officer, the email address must have been cc'd in the original email. This email address must match the email address identified in the application supplied. Only one copy of the

warrant will be returned with occupant/ applicant at the top, this can be crossed through as appropriate by the police. The returned application should include a record of any additional evidence provided by the applicant as well as the magistrates' reasons for grant/refusal. The applicant is required to retain this paperwork securely to assist in the event of a subsequent application for disclosure under the Criminal Procedure Rules.

12. **Return of executed / non-executed warrants:** Once executed or where the warrant time limit has expired without execution, the applicant **MUST** return by email the warrant with any relevant information relating to its execution to the following secure email address.

Returned.warrants@Justice.gov.uk

Please ensure the document is named with the booking reference and not the premises address. The subject field on this email must contain only the original booking code. i.e. **MH 01.04.20 1 Surname**

Returned warrants will be electronically filed with the original application. It is therefore imperative that the subject field contains only the original booking code.

Any hard copy warrants should be stored/destroyed in line with any relevant police force's guidance/policy on retention and destruction of confidential documents.

13. **Out of Hours Applications:** If your application is urgent and you need to make your application outside of working hours please refer to the out of hours procedure (copy attached). Guidance on what constitutes an urgent application is set out in the out of hours search warrant scheme.
14. For urgent applications within working hours please follow the normal Team Up booking procedure or contact the emergency administrator number (01245 313594) if there are no available time slots available to meet the time requirements of your application. If the emergency administrator is unable to accommodate your application, you should contact your local court admin centre to arrange at time and location for the hearing. You will receive a decision within 30 minutes of your contact via the emergency phone as to whether your application can be accommodated on the digital scheme or whether you will be diverted to a court site.
15. Please note that it is possible for a Chief Constable to authorise civilian case workers to apply for S8 PACE warrants under S38 Police Reform Act 2002.
- Where authorisation has been granted such civilian case workers can use this scheme to apply for S8 PACE warrants. In such cases the applicant will need to also scan a copy of their authorisation with their application for the warrant.
16. Please note that first instance warrants are not able to be applied for using this scheme, please continue to apply for these in the usual way.

Wording for affirmation/ oath

OATH

I (name) swear by almighty god that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. 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 the grounds of the application.

AFFIRMATION

I (name) do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. 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 the grounds of the application.

Police Guidance when applying for a Court issues Search Warrant

When obtaining a Search Warrant, the onus is upon the applicant to ensure they are conversant with current Case Law, and comply with the safeguards provisions provided by the Police And Criminal Evidence Act and associated Codes of Practice.

'Generations of justices have, or I would hope have, been brought up to recognize that the issue of a search warrant is a very serious interference with the liberty of the subject, and a step which would only be taken after the most mature careful consideration of all the facts of the case.

Lord Widgery CJ in Williams v. Summerfield [1972] 2 QB 512.

The courts recognise that the issue and execution of a search warrant is a substantial invasion of the fundamental right of privacy. Where safeguards designed to mitigate such an invasion are ignored, and or police exceed legal limits and unlawfully interfere with individual rights, courts have been prepared to quash search warrants and order the return of property seized with subsequent impact upon cases.

Recent cases have also indicated the following considerations (not exhaustive) should be undertaken;

- Reasonable steps must be taken to check information is accurate, recent and not provided maliciously or irresponsibly.
- An application cannot be made on the basis of information from an anonymous source where corroboration has not been sought
- The correct types of warrant, or series of warrants, are obtained to achieve set objectives. For example, a Section 8 PACE Warrant, as opposed to a number of individual warrants pursuant to other legislation such as the Misuse of Drugs Act.
- Intelligence checks to ensure multiple officers/departments are not seeking to obtain Warrants for the same location
- Correct authorisations have been sought prior to sending applications to Court

How to book a search warrant slot using the new calendar

- ❖ Each police authority/ agency will be provided with their own private link to the Team Up website which is hosting the calendar. This link should not be shared with outside agencies or other police authorities.
- ❖ Each police link has permissions which enable the adding of new events to the calendar and modifications to existing events but only if created using the same link. For example, if a slot has been booked by Essex police, then only someone logging in using the Essex police link (or the administrator) can amend or delete the booking, all other police users will be able to view the booking as 'read only'.
- ❖ The police authorities/agencies have been grouped as per the following:

Mental Health Agencies
MOD Police
Essex police
Kent police
Cambridgeshire police
Thames Valley police
Bedfordshire and Hertfordshire police
Norfolk and Suffolk police
Surrey and Sussex police
Beds and Herts Immigration
Felixstowe Immigration
Essex Immigration
Norfolk Immigration
Cambridgeshire Immigration
Kent Immigration
Gatwick Immigration
Dover Immigration Enforcement, Criminal & Financial Investigations
BTP

- ❖ Copies of the applications and warrants can be found on page 16

Copy and paste your link into the web browser and the calendar will appear in the below format.

This shows you are logged in under your police authority.

Paperwork must be in order and sent in Word to the dedicated mailbox by 8.00am on the day of hearing

Beke and Herts police

< February 2020 > << >> < Today > Thu 6 Feb 2020

Scheduler | Agent

Applications	Extra slots also for applications
10:30 BLOCKED	10:30 BLOCKED
11:15 BLOCKED	11:15 BLOCKED
12:00 BLOCKED	12:00 BLOCKED
12:15 BLOCKED (BLOCKED)	12:15 BLOCKED (BLOCKED)
13:00 BLOCKED	13:00 BLOCKED
14:45 BLOCKED	14:45 BLOCKED
15:30 BLOCKED	15:30 BLOCKED
15:45 BLOCKED (BLOCKED)	15:45 BLOCKED (BLOCKED)
16:15 BLOCKED (BLOCKED)	16:15 BLOCKED (BLOCKED)
16:30 BLOCKED	16:30 BLOCKED

Either use the arrows or click on the desired date

The calendar will default to today's date.

- ❖ There are 14 search warrants slots available for booking each day, each slot to be booked for 15mins. The below image shows how the calendar appears, free slots are identified by the white spaces.



- ❖ The first slot each day is 10:00.
- ❖ The last slot each day is 16:00.
- ❖ There will be no bookings allowed between 13:00 and 14:00.
- ❖ There are 8 additional blocked slots throughout the day, these are to allow the legal adviser to keep to time.
- ❖ [For assistance with selecting which application number relates to which time please see page 16](#)

There are two calendars running each day.

To book a slot, click on the time slot and the following box will appear:

The screenshot shows a booking form with the following fields and callouts:

- Event title:** A text input field with the placeholder "Enter the event title...". A callout box points to this field with the text: "Type in the correct naming convention. This must be used or it may result in the booking being deleted by the administrator." Below this, the naming convention is explained: "Naming convention: [The code of your police force](#); Date the application is to be heard; [Application number of the day](#) i.e. the first app at 10am will be 1, the 2nd 2 etc; Surname of Police Officer i.e. MH 01.04.20 1 SURNAME".
- From:** A date and time selector showing "06/02/2020" and "11:15".
- To:** A date and time selector showing "06/02/2020" and "11:30". A callout box points to this field with the text: "If you require a longer slot and the next slot is available you can extend the time slot."
- Save:** A green button with a checkmark and the text "Save". A callout box points to this button with the text: "To save the booking click save."
- Calendar:** A dropdown menu showing "Extra slots also for applications".
- Booking reference (required):** A text input field.

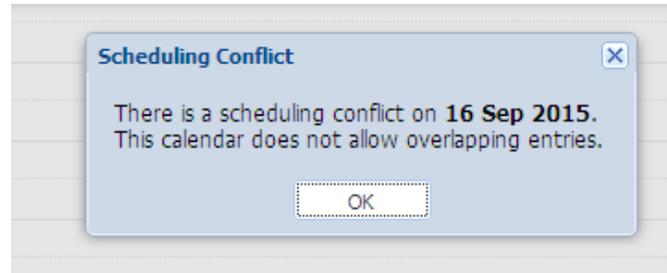
Type in the correct naming convention. This must be used or it may result in the booking being deleted by the administrator.

Naming convention:
[The code of your police force](#); Date the application is to be heard; [Application number of the day](#) i.e. the first app at 10am will be 1, the 2nd 2 etc; Surname of Police Officer
 i.e. MH 01.04.20 1 SURNAME

If you require a longer slot and the next slot is available you can extend the time slot.

To save the booking click save.

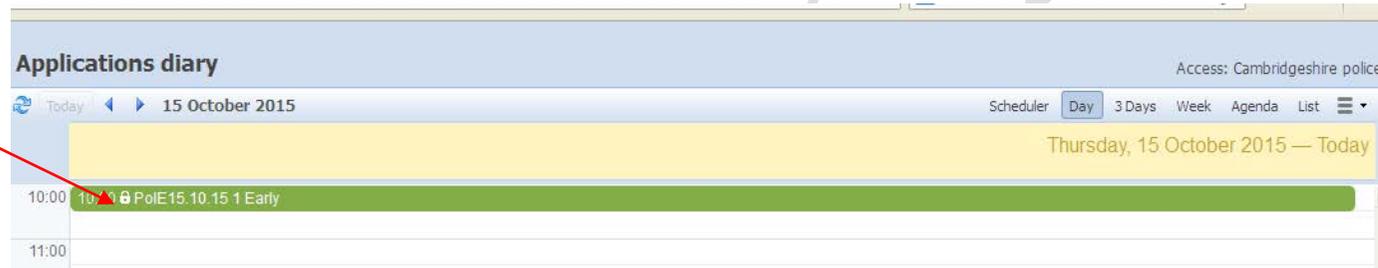
- ❖ Use MH in the naming convention.
- ❖ It is imperative to put the dots in the date i.e. 16.10.15 – this is the date the application is to be heard.
- ❖ The calendar does not allow for overlapped bookings, therefore if you try to book a slot that has already been booked you will see the following error message:



- ❖ Click ok to remove the message and then reselect another time slot.
- ❖ The calendar will allow for multiple users to be logged in at the same time using the same link, therefore it is possible that 2 officers may be trying to book the same slot- if this occurs you will receive the same error message as above.
- ❖ Each warrant must have a separate booking with a separate name following the naming convention.
- ❖ Each application must have the same name as the warrant paperwork.
- ❖ Where an application is for specified multiple premises warrants, time slots should be booked for each premises as followings:
 - 1-2 warrants 15mins
 - 3-4 warrants 30mins
 - 5-6 warrants 45 mins
 - Over 6 should not be booked on the scheme and officers should contact their local court, bookings not adhering to the times above will be removed.

- ❖ For 'All premises' warrants only 1 slot needs to be booked.
- ❖ If more than 6 warrants are being applied for at the same time, supported by one application you should ring the emergency administrator number before booking in. The administrator will then liaise with the legal adviser to best advise how the applications can be heard.
- ❖ To delete a booking, right click on the booking you wish to cancel and select delete, and select YES to confirm you wish to delete the booking.

A locked symbol means it has been booked by another police authority and you are unable to amend the booking.



- ❖ If you click on a booking that has been made by another police authority you will see a box displaying the booking information.

The screenshot shows a modal window with a white background and a grey border. At the top left, the title 'POLE 02.02.20 SMITH' is displayed in bold black text. To the right of the title is a close button (an 'X' icon). Below the title, there is a clock icon followed by the text 'Thu 6 Feb 2020, 10:45 - 11:00'. To the right of this text is a 'Print' button with a printer icon. Below the time, there is a bell icon followed by the text 'Reminders' and a blue 'Add' link. Below that is a calendar icon followed by the text 'Calendar'. Underneath the calendar icon is a red pill-shaped button with the white text 'Extra slots also for applications'. Below this is a person icon followed by the text 'Booking reference'. Underneath that is the text 'POLE 02.02.20 SMITH' in bold. At the bottom of the modal, there is a line of italicized grey text: 'Created a few seconds ago by Essex police'. The modal is overlaid on a blurred background of a website interface.

- ❖ A copy of the application and the warrant will need to be emailed through to SouthEastSearchWar@Justice.gov.uk by 8.00am on the date of the hearing , using the same naming convention used when booking the application i.e. BTP 01.04.20 1 Surname. This application code is to be added to the top of the application and warrant documents as shown in red on the below example.

APPLICATION FOR SEARCH WARRANT <i>(Criminal Procedure Rules, rule 6.30; section 8, Police and Criminal Evidence Act 1984)</i>	
Use this form ONLY for an application for a search warrant under section 8 of the Police and Criminal Evidence Act 1984 (PACE). There is a different form of application for the court to issue a search warrant under another power to which sections 15 & 16 of PACE apply. A magistrates' court cannot authorise a search for excluded or special procedure material. See also the notes for guidance at the end of this form.	
Application to Magistrates' Courts in South East England	
This is an application by (name of applicant)	
of (name of police force or investigating agency)	
Applicant's address: ¹	
Email address:	
Phone:	Mobile:
Booking application code:	
I am a constable	<input type="checkbox"/> or

Application number according to time

10:00	1	12.45	12
10:15	2	14:00	13
10:30	N/A	14:15	14
10:45	4	14:30	15
11:00	5	14:45	N/A
11:15	N/A	15:00	17
11:30	7	15:15	18
11:45	8	15:30	N/A
12:00	N/A	15:45	N/A
12:15	N/A	16:00	21
12:30	11		

Copies of warrants and applications



Mental Health
Undertaking to pay fo



Template warrant -
S 135(1) MHA 1983.d



Template
information - S 135(



Template Information
S135(2) - Information



Template Warrant
S135(2) MHA 1983 W:

V3.10.06.21