

South East Region Search Warrant Scheme: “Out of Hours” Procedure: Guidance for Applicants

This guidance takes effect from Monday 2 April 2018

Background

The Out of Hours scheme is currently dependant upon a manual process which includes applicants travelling to meet Magistrates with paper documentation.

This guidance establishes a digital scheme which eliminates travelling, face to face meetings and paperwork, save in exceptional circumstances, and reduces significantly the delays which can arise with the current arrangements.

The new process has been piloted and tested in November 2017 and comes into effect across the HMCTS south-east region from 2 April 2018.

Duty

There will be two Duty Legal Advisers (DLA) daily, each covering a designated area of the region – this is no change from the current process.

There will be three Duty Magistrates (DMag).

Two of these will be the primary contacts, each covering an area of the region corresponding to those covered by the DLA.

The third will be a stand-by contact to be utilised should the primary contact not be able to be used.

Process

1. Applicants telephone the Out of Hours DLA, as at present, and email the application to a dedicated Out of Hours secure mailbox address, provided by the DLA.
 - **The application must be sent from a secure network (e.g. pnn, gsi, gsix, gov.uk)**
 - Mailbox address: **SEOutofhours@justice.gov.uk**
2. The Application.
 - It is essential that officers have the correct forms in word format (i.e. not a pdf or a scan of a hand-written form. If the officer cannot send the correct documentation electronically it will not be possible to apply out of hours.
 - The email heading and application need to include a reference in the format:
“OOH/Pol:Imm:MH/County/Date/Name of Officer”

3. The DLA will:

- Scrutinise the application and have a preliminary conversation with the applicant to ensure, as far as possible, that all is in order.
- Check that the reference on the warrant and email heading is correct.
- Check if a fee is due and if so whether an undertaking to pay has been completed; if a fee is due and there is no undertaking, will request one from the applicant and, in its absence, advise the applicant that the matter cannot proceed.
 - *Note:* An urgent warrant with implications for the safety of an individual or protection of the public from serious harm will not be refused for lack of a fee or an undertaking (mental health warrants will sometimes fall into this category).
- Advises the applicant to call a BT conferencing number, using a pass code which the DLA will provide, and await joining by the Magistrate and LA.
 - **0800 917 1956**
- Telephones the DMag, emails the application to the Magistrates' secure ejudiciary mailbox at the address provided by the Magistrate and advises the Magistrate to call the BT conferencing number and await joining by the applicant and LA.
 - **0800 917 1956 – participant code**

4. Once all participants are in the conference call:

- Applicant takes the oath (if they have a holy book) or affirms.
- Magistrate grants or refuses the application.
- DLA appends and locks the application and emails back to applicant.

**Out of Hours
Numbers**

Forces

020 3334 3333 Bedfordshire, Hertfordshire, Surrey, Sussex and Thames Valley

020 3334 3323 Cambridge, Essex, Kent, Norfolk and Suffolk