

# Hunting Trophy Import (Prohibition) Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Prohibit the import of wild animal specimens derived from trophy hunting; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Prohibition on imports of hunting trophies

- (1) Importing hunting trophies is prohibited.
- (2) “Imports” of hunting trophies means—
  - (a) bringing into the UK by air, sea or land from outside the UK;
  - (b) attempting, arranging or assisting the transportation, carrying or shipping; 5
  - (c) receiving, holding or storing items in transit from another country en route to a third country;
  - (d) importing into the United Kingdom for personal or household effects, for sale or hire. 10
- (3) “Hunting trophy” includes the body or part of the body of an animal that has been hunted and killed and for which the intent is to keep the body or body part as a souvenir.
- (4) “Trophy hunting” means a form of hunting of animals in which the hunter seeks to acquire a body or body part of an animal for recreation and as a souvenir of the hunt. It is distinct from control of wild or managed populations and from hunting for subsistence, to meet essential human needs, or for production of meat for human consumption. 15

## 2 Registration of existing hunting trophies

- (1) Hunting trophies imported into the United Kingdom prior to this Act coming into force shall be registered with the Secretary of State. 20
- (2) The owner of the hunting trophy must—
  - (a) give their name and address;
  - (b) provide a description of the item and of any distinguishing features that it has; 25

- (c) provide a photograph of the item showing any such features;
  - (d) make a declaration that the item was imported prior to the enactment of the legislation;
  - (e) provide documentation relating to its importation, including proof of date of importation; 5
  - (f) provide proof of provenance, and if of a CITES-listed species, evidence of the relevant CITES permit.
- (3) The Secretary of State must keep a record of information (including photographs) provided to the Secretary of State.
- (4) The registration of an item ceases to be valid if the ownership of the item changes. The new owner is required to make a fresh application for registration. 10
- (5) The Secretary of State may by regulations—
- (a) make further provision about registration;
  - (b) create offences about failure to register or comply with registration requirements punishable with a fine; 15
  - (c) about such offences.
- (6) Regulations under this section—
- (a) are to be made by statutory instrument;
  - (b) may make different provision for different purposes; 20
  - (c) may not be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.
- (7) In this section—
- “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora; 25
  - “information” includes any declaration or photograph;
  - “relevant information” means any information given to the Secretary of State under section 10 or this section.
- 3 Offence of breaching the prohibition or causing or facilitating a breach 30**
- (1) It is an offence—
- (a) to breach the prohibition in section 1,
  - (b) to cause the prohibition to be breached, or
  - (c) to facilitate a breach of the prohibition.
- (2) A person who commits an offence under this section is liable— 35
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 40

- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
  - (d) on conviction on indictment, to imprisonment for a term not exceeding seven years or a fine (or both). 5
- (3) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2)(a) to 12 months is to be read as a reference to six months.

#### **4 Power to stop and search persons**

- (1) This section applies where a police or customs officer has reasonable grounds to suspect that a person has committed, or is committing, a relevant offence. 10
- (2) The officer may –
  - (a) search the person for relevant evidence;
  - (b) stop and detain the person for the purposes of the search.
- (3) The powers conferred by this section may be exercised in any place to which the officer lawfully has access (whether or not it is a place to which the public has access). 15
- (4) In this Act –
  - “police or customs officer” means –
    - (a) a constable, 20
    - (b) a designated customs official, or
    - (c) a designated NCA officer authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a police or customs officer under this Act; 25
  - “relevant evidence” means evidence that a relevant offence has been committed;
  - “relevant offence” means –
    - (a) an offence in connection with registration under section 2, or
    - (b) an offence under section 3. 30

#### **5 Power to stop and search vehicles**

- (1) This section applies where –
  - (a) a police or customs officer has reasonable grounds to suspect that there is relevant evidence in a vehicle, and
  - (b) the vehicle is not a dwelling. 35
- (2) The officer may at any time –
  - (a) enter the vehicle and search it for relevant evidence;
  - (b) stop and detain the vehicle for the purposes of entering and searching it.
- (3) Where – 40

- (a) a police or customs officer has stopped a vehicle under this section, and
  - (b) the officer considers that it would be impracticable to search the vehicle in the place where it has stopped, the officer may require the vehicle to be taken to another place to enable the vehicle to be searched. 5
- (4) A police or customs officer may require—
- (a) any person travelling in a vehicle, or
  - (b) the registered keeper of a vehicle, to provide any help and facilities, with respect to matters under the person’s control, that the officer considers would facilitate the exercise of a power conferred by this section. 10
- (5) The powers conferred by this section may be exercised in any place to which the officer lawfully has access (whether or not it is a place to which the public has access).
- (6) In this section “vehicle” does not include any vessel or aircraft (as to which, see section 6). 15
- (7) For provisions conferring additional powers on police or customs officers to enter and search vehicles, see section 7.

## 6 Power to board and search vessels and aircraft

- (1) This section applies where— 20
- (a) a police or customs officer has reasonable grounds to suspect that there is relevant evidence in or on any vessel or aircraft, and
  - (b) the vessel or aircraft is not a dwelling.
- (2) The officer may at any time—
- (a) board the vessel or aircraft; 25
  - (b) search it for relevant evidence.
- (3) For the purposes of exercising the power conferred by subsection (2), the officer may require a vessel or aircraft—
- (a) to stop, or
  - (b) to do anything else that would facilitate the boarding of that or any other vessel or aircraft. 30
- (4) A police or customs officer who has boarded a vessel or aircraft may, for the purposes of disembarking from the vessel or aircraft, require that or any other vessel or aircraft—
- (a) to stop, or 35
  - (b) to do anything else that would enable the officer to disembark from the vessel or aircraft.
- (5) A police or customs officer may require any person on board a vessel or aircraft to provide any help and facilities, with respect to matters under that person’s control, that the officer considers would facilitate the exercise of a power conferred by this section. 40

- (6) The powers conferred by this section may be exercised in any place to which the officer lawfully has access (whether or not it is a place to which the public has access).
- (7) For provision conferring additional powers on police or customs officers to enter and search vessels and aircraft, see section 7. 5

## 7 Warrants authorising entry and search of premises

- (1) Where a justice is satisfied that the requirements in subsection (5) are met in relation to any premises, the justice may issue a warrant (a “search warrant”) authorising a police or customs officer – 10
- (a) to enter the premises;
  - (b) to search them for relevant evidence.
- (2) A search warrant may be issued only on the application of –
- (a) a police or customs officer, in England and Wales or Northern Ireland;
  - (b) a police or customs officer or a procurator fiscal, in Scotland.
- (3) A police or customs officer may apply for a search warrant only if the officer is a senior officer or is authorised by a senior officer to make the application. In this subsection “senior officer” means – 15
- (a) a constable of at least the rank of inspector;
  - (b) a designated customs official of at least the grade of senior officer;
  - (c) a designated NCA officer of grade 3 or above. 20
- (4) A search warrant may be either –
- (a) a warrant that relates only to premises specified in the warrant (a “specific-premises warrant”), or
  - (b) in the case of a warrant issued in England and Wales or Northern Ireland, a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an “all-premises warrant”). 25
- (5) The requirements of this subsection are met in relation to premises if there are reasonable grounds to suspect that –
- (a) there are items on the premises that are relevant evidence, and
  - (b) in a case where the premises are specified in the application, any of the conditions in subsection (6) is met. 30
- (6) The conditions referred to in subsection (5)(b) are –
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
  - (b) that it is not practicable to communicate with any person entitled to grant access to the items; 35
  - (c) that entry to the premises is unlikely to be granted unless a warrant is produced;
  - (d) that the purpose of entry may be frustrated or seriously prejudiced unless a police or customs officer arriving at the premises can secure immediate entry to them. 40
- (7) In this Act “premises” includes any place and, in particular, includes –

- (a) a vehicle, vessel or aircraft;
- (b) a tent or moveable structure.

## 8 Further provision about search warrants

- (1) An application for a search warrant must be supported—
  - (a) in England and Wales, by an information in writing; 5
  - (b) in Scotland, by evidence on oath;
  - (c) in Northern Ireland, by a complaint on oath.
- (2) A person applying for a search warrant must answer on oath any question that the justice hearing the application asks the person. In the case of an application made by a procurator fiscal, that requirement may be met by a police or customs officer. 10
- (3) A search warrant may be executed by any police or customs officer.
- (4) A search warrant may authorise persons to accompany any police or customs officer who is executing it if the justice issuing the warrant is satisfied that their presence is likely to be helpful to the search. 15
- (5) A person authorised under subsection (4) to accompany a police or customs officer may exercise any power conferred by sections 7 to 15 that the officer may exercise as a result of the warrant. But the person may exercise such a power only in the company of, and under the supervision of, a police or customs officer. 20
- (6) Unless giving notice would be likely to frustrate or seriously prejudice the purpose of a search—
  - (a) reasonable efforts must be made to give notice of an application for a search warrant to persons who might be affected by it;
  - (b) a search warrant does not authorise entry to premises unless 48 hours' notice of the intended entry is given to the occupier or some other appropriate person who is responsible for the premises. 25
- (7) The Schedule contains further provision about—
  - (a) applications for search warrants made in England and Wales or Northern Ireland; 30
  - (b) search warrants issued in England and Wales or Northern Ireland.
- (8) An entry on or search of premises under a search warrant issued in England and Wales or Northern Ireland is unlawful if it does not comply with the provisions of Part 3 of the Schedule (execution of search warrants).

## 9 Powers of examination etc 35

- (1) This section applies where a police or customs officer is exercising a power of search conferred by section 5, 6 or 7 in relation to any premises.
- (2) The officer may carry out any examination or measurement of anything on the premises that the officer thinks is or may be relevant evidence.

- (3) The officer may break open any container or other locked thing if satisfied that it is necessary to do so for the purpose of—
  - (a) determining whether a relevant offence has been committed, or
  - (b) investigating a relevant offence.
- (4) The officer may require any person on the premises to provide any help or facilities, with respect to matters under the person's control, that the officer considers would facilitate the exercise of—
  - (a) a power of search conferred on the officer by section 5, 6 or 7, or
  - (b) a power conferred on the officer by this section.
- (5) Nothing in this section confers any power to search a person.

## 10 Power to require production of documents etc

- (1) This section applies where a police or customs officer is exercising a power of search conferred by section 5, 6 or 7 in relation to any premises.
- (2) The officer may require any person on the premises to produce any document or record in the person's possession or control that the officer thinks is or is likely to be relevant to—
  - (a) the question whether a relevant offence has been committed, or
  - (b) the investigation of a relevant offence.
- (3) A reference in this section to the production of a document includes a reference to the production of—
  - (a) a hard copy of information recorded otherwise than in hard copy form, or
  - (b) information in a form from which a hard copy can be readily obtained.
- (4) For the purposes of this section—
  - (a) information is recorded in "hard copy form" if it is recorded in a paper copy or similar form capable of being read (and references to "hard copy" have a corresponding meaning);
  - (b) information can be read only if—
    - (i) it can be read with the naked eye, or
    - (ii) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye.

## 11 Powers of seizure etc

- (1) A police or customs officer who is exercising the power of search conferred herein may seize and detain anything found in the course of the search.
- (2) A police or customs officer who is exercising a power of search in relation to any premises may—
  - (a) seize and detain or remove any item found on the premises;
  - (b) take copies of or extracts from any document or record found on the premises.

- (3) An officer to whom a document or record has been produced in response to a requirement imposed herein may –
- (a) seize and detain or remove that document or record;
  - (b) take copies of or extracts from that document or record. In this subsection “document” includes anything falling within the parameters of this Act. 5
- (4) The powers under this section may be exercised only –
- (a) for the purposes of determining whether a relevant offence has been committed, or
  - (b) in relation to an item that the officer concerned reasonably believes to be relevant evidence. 10

## 12 Accredited civilian officers: powers of entry

- (1) An accredited civilian officer may on giving reasonable notice –
- (a) enter premises that the accredited civilian officer reasonably thinks may be used in connection with importation of a hunting trophy (including any item that is a specimen acquired from trophy hunting) for the purpose of assessing compliance with the provisions of this Act, or 15
  - (b) enter premises on which the officer has reasonable grounds to suspect that there is relevant evidence. 20
- (2) In this Act “accredited civilian officer” means an officer of the Secretary of State who is authorised by the Secretary of State for the purposes of this Act.
- (3) A notice under this section must –
- (a) be in writing,
  - (b) be given to the occupier of the premises, 25
  - (c) set out the purpose of the proposed entry, and
  - (d) explain the effect of section 18 (offences of obstruction).
- (4) The requirement in subsection (3)(b) may be complied with by delivering or leaving the notice at the premises or sending it there by post.

## 13 Other powers of accredited civilian officers 30

- (1) This section applies where –
- (a) an accredited civilian officer enters premises under the terms of this Act, or
  - (b) an accredited civilian officer who is lawfully on premises has reasonable grounds to suspect that there is relevant evidence on those premises. 35
- (2) The officer may carry out any examination or measurement of anything on the premises that the officer thinks is or may be relevant evidence.
- (3) The officer may require any person on the premises to produce any document or record in the person’s possession or control that the officer thinks is or is likely to be relevant to – 40

- (a) the question whether a relevant offence has been committed, or
  - (b) the investigation of a relevant offence.
- (4) The officer may –
  - (a) seize and detain or remove any item found on the premises;
  - (b) take copies of or extracts from any document or record found on the premises. 5
- (5) An officer to whom a document or record has been produced in response to a requirement under subsection (3) may –
  - (a) seize and detain or remove the document or record;
  - (b) take copies of or extracts from the document or record. 10
- (6) The powers under subsections (4) and (5) may be exercised only –
  - (a) for the purposes of determining whether a relevant offence has been committed, or
  - (b) in relation to an item that the officer concerned reasonably believes to be relevant evidence. 15
- (7) The officer may require any person on the premises to provide any help or facilities, with respect to matters under the person’s control, that the officer considers would facilitate the exercise of a power conferred on the officer by this section.
- (8) Subsections (3) and (4) of section 10 apply for the purposes of this section as they apply for the purposes of that one. 20

#### **14 Notices and records in relation to seized items**

- (1) This section applies where an officer, or a person accompanying an officer, seizes an item under the above sections.
- (2) When the item is seized, the officer must make reasonable efforts to give a written notice to each of the following persons – 25
  - (a) in the case of an item seized from a person, the person from whom the item was seized;
  - (b) in the case of an item seized from premises, any person who appears to the officer to be the occupier of the premises or otherwise to be in charge of the premises; 30
  - (c) if the officer thinks that the item may belong to any person not falling within paragraph (a) or (b), that other person. A person falling within any of paragraphs (a) to (c) is referred to in this section as an “affected person”. 35
- (3) If –
  - (a) the item is seized from premises, and
  - (b) at the time of the seizure it is not reasonably practicable to give a notice to an affected person, the officer must leave a copy of the notice in a prominent place on the premises. 40
- (4) The notice must –

- (a) state what has been seized and the reason for its seizure;
  - (b) specify any offence that the officer suspects has been committed;
- (5) The officer must make a record of what has been seized.
- (6) If a person who appears to the officer concerned to be an affected person asks for a copy of that record, the officer must provide a copy of it to that person within a reasonable time. 5

## 15 Powers of entry, search and seizure: supplementary provision

- (1) An officer who is exercising, or is about to exercise, a power conferred by the relevant sections must—
- (a) give his or her name, and 10
  - (b) if not a constable in uniform, produce documentary evidence that he or she is authorised to exercise the power, if asked to do so by a person entitled to make the request.
- (2) The persons entitled to make the request are—
- (a) in the case of a power exercisable in relation to an individual, that individual; 15
  - (b) in the case of a power exercisable in relation to a vehicle, vessel or aircraft, a person in charge of that vehicle, vessel or aircraft;
  - (c) in the case of a power exercisable in relation to premises, an occupier of those premises who is on the premises. 20
- (3) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.
- (4) An officer may use reasonable force, if necessary, for the purpose of exercising a power conferred on the officer.
- (5) A person authorised to accompany an officer may use reasonable force, if necessary, for the purpose of exercising a power conferred by the relevant sections. 25

## 16 Offences of obstruction etc

- (1) A person commits an offence if, without reasonable excuse, the person intentionally obstructs an officer in the performance of any of the officer's functions under the relevant sections. 30
- (2) A person commits an offence if—
- (a) the person fails without reasonable excuse to comply with a requirement reasonably made, or a direction reasonably given, by an officer in the exercise of a power conferred by the relevant sections, or 35
  - (b) the person prevents another person from complying with any such requirement or direction.
- (3) A reference in this section to an officer includes a reference to a person authorised to accompany a police or customs officer. 40

- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or a fine (or both);
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both). 5

## 17 Retention of seized items

- (1) An item seized may be retained for as long as is necessary in all the circumstances and in particular—
- (a) for use as evidence at a trial for a relevant offence, or 10
  - (b) for forensic examination or for investigation in connection with a relevant offence.
- (2) An item may be not be retained for either of the purposes mentioned in subsection (1) if a photograph or a copy would be sufficient for that purpose.

## 18 Forfeiture of seized items by court on application 15

- (1) A police officer or an accredited civilian officer may apply to the appropriate court for the forfeiture of an item retained under the terms of this Act.
- (2) The item is to be retained while proceedings on such an application are in progress.
- (3) Where an application under this section is made in relation to an item, the court may order the item to be forfeited if satisfied— 20
- (a) that a relevant offence has been committed in respect of it, or
  - (b) that it was used in the commission of a relevant offence.
- (4) If the court does not order the item to be forfeited, it must order the item to be returned to a person entitled to it. 25
- (5) Where an item is ordered to be forfeited under subsection (3), it may be disposed of in whatever way is thought appropriate by—
- (a) the officer who made the application,
  - (b) another police officer or accredited civilian officer acting on behalf of the same person as that officer, or 30
  - (c) the Secretary of State.
- (6) But the item may not be disposed of under subsection (5)—
- (a) before the end of the period within which an appeal under section 31 may be made against the order, or
  - (b) if such an appeal is made, before it is determined or otherwise dealt with. 35
- (7) Where an order for the return of an item is made under subsection (4), the item may nevertheless be retained—
- (a) until the end of the period within which an appeal under section 31 may be made against the order, or 40

- (b) if such an appeal is made, until the time when it is determined or otherwise dealt with. But if it is decided before the end of the period mentioned in paragraph (a) that there is to be no appeal, the item must be returned as soon as possible after that decision is made.

- (8) In this Act— 5
- “the appropriate court” means—
- (a) in relation to England and Wales, a magistrates’ court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland, a court of summary jurisdiction;
- “police officer” means— 10
- (a) a constable;
  - (b) a designated NCA officer authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a constable under this Act. 15
- (9) The persons “entitled” to an item for the purposes of this section are—
- (a) the person from whom it was seized;
  - (b) (if different) any person to whom it belongs.

## 19 Forfeiture by court following conviction

- (1) This section applies where a person is convicted of— 20
- (a) a relevant offence,
  - (b) an offence of attempting or conspiring to commit a relevant offence,
  - (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to a relevant offence,
  - (d) an offence of inciting a person to commit a relevant offence, or 25
  - (e) an offence of aiding, abetting, counselling or procuring the commission of a relevant offence.
- (2) In this section “the court” means—
- (a) the court by or before which the person is convicted of the offence, except where paragraph (b) or (c) applies; 30
  - (b) if the person is committed to the Crown Court to be dealt with for the offence, the Crown Court;
  - (c) if the person is remitted to the High Court of Justiciary to be dealt with for the offence, the High Court of Justiciary.
- (3) The court may make an order for the forfeiture of— 35
- (a) any hunting trophy, or any item or specimen that is procured from trophy hunting, in respect of which the offence was committed;
  - (b) any other item that was used in the commission of the offence. An order under this subsection is referred to below as a “forfeiture order”.
- (4) Before making a forfeiture order under subsection (3)(b) in relation to any item, the court must give an opportunity to make representations to any 40

person (in addition to the convicted person) who claims to be the owner of the item or otherwise to have an interest in it.

- (5) A forfeiture order may not be made so as to come into force before the time when there is no further possibility (ignoring any power to appeal out of time) of the order being varied or set aside on appeal. 5
- (6) Where the court makes a forfeiture order, it may also make any other provision that it considers to be necessary for giving effect to the forfeiture.
- (7) That provision may, in particular, include provision relating to the retention, handling, destruction or other disposal of the item.
- (8) Provision made by virtue of this section may be varied at any time by the court that made it. 10

## **20 Application of Customs and Excise Management Act 1979**

- (1) An item that is—
  - (a) imported or exported in breach of the prohibition, or
  - (b) declared for, or brought to a place in the United Kingdom for, exportation in breach of the prohibition, is liable to forfeiture under the Customs and Excise Management Act 1979. 15
- (2) Section 5 of that Act (time of importation, exportation, etc) applies for the purposes of this section as it applies for the purposes of that Act.

## **21 Liability of corporate officers for offences by bodies corporate etc** 20

- (1) If an offence under this Act by a body corporate or a Scottish partnership is proved to have been committed with the consent or connivance of an officer, the officer (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In relation to a body corporate “officer” means— 25
  - (a) a director, manager, secretary or other similar officer of the body, or
  - (b) a person purporting to act in any such capacity.
- (3) In relation to a Scottish partnership “officer” means—
  - (a) a partner, or
  - (b) a person purporting to act as a partner. 30
- (4) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with functions of management as if the member were an officer of the body.

## **22 Amendment of the Control of Trade in Endangered Species Regulations 2018**

- (1) The Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703) are amended as follows. 35
- (2) In regulation 7 (proof of lawful import or export), at the end of paragraph (1) insert “or the Hunting Trophy Import Prohibition Act 2021”.

**23 Financial provision**

*Any expenditure incurred by the Secretary of State under or by virtue of this Act is to be paid out of money provided by Parliament.*

**24 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 5
- (2) This Act comes into force at the end of the period of 30 days beginning on the day on which this Act is passed.
- (3) This Act may be cited as the Hunting Trophy Import (Prohibition) Act 2021.

SCHEDULE

Section 8

SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

**PART 1**

PRELIMINARY

*Application of this Schedule* 5

- 1 This Schedule applies to—
- (a) applications for search warrants made in England and Wales or Northern Ireland;
  - (b) search warrants issued in England and Wales or Northern Ireland.

*Interpretation* 10

- 2 In this Schedule—
- “senior officer” means—
- (a) a constable of at least the rank of inspector;
  - (b) a designated customs official of at least the grade of senior officer; 15
  - (c) a designated NCA officer of grade 3 or above;
- “specific-premises warrant” and “all-premises warrant” have the meaning given by section 7(4).

**PART 2**

SEARCH WARRANTS: APPLICATIONS AND SAFEGUARDS 20

*Applications for warrants*

- 3 (1) A person applying for a search warrant must—
- (a) state that the application is made under section 7 of this Act;
  - (b) specify the matters set out in sub-paragraph (2) or (3) (as the case may be); 25
  - (c) state what are the grounds for suspecting that relevant evidence is on the premises;
  - (d) specify the offence to which the evidence relates.
- (2) A person who is applying for a specific-premises warrant must specify each set of premises that it is desired to enter and search. 30
- (3) A person who is applying for an all-premises warrant must—
- (a) specify as many of the sets of premises that it is desired to enter and search as it is reasonably practicable to specify;
  - (b) specify the person who is in occupation or control of those premises and any other premises that it is desired to enter and search; 35

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- (c) explain why it is necessary to search more premises than those specified under paragraph (a);
  - (d) explain why it is not reasonably practicable to specify all the premises that it is desired to enter and search.
- (4) A person who is applying for a search warrant authorising entry and search on more than one occasion must also state –
- (a) the ground on which the person applies for such a warrant;
  - (b) whether the person seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired.
- Safeguards in connection with power of entry conferred by warrant* 10
- 4 A search warrant authorises entry on one occasion only, unless it specifies that it authorises multiple entries.
- 5 A search warrant must –
- (a) specify the name of the person who applied for it;
  - (b) specify the date on which it is issued; 15
  - (c) state that the warrant is issued under section 7 of this Act;
  - (d) specify each set of premises to be searched, or (in the case of an all-premises warrant) the person who is in occupation or control of premises to be searched, together with any premises to be searched that are under the person’s occupation or control and can be specified; 20
  - (e) specify the offence to which the relevant evidence relates.
- 6 (1) Two copies must be made of a search warrant that specifies only one set of premises and does not authorise multiple entries.
- (2) As many copies as are reasonably required may be made of any other kind of search warrant. 25
- (3) The copies must be clearly certified as copies.

### PART 3

#### EXECUTION OF SEARCH WARRANTS

- Warrant to be executed within one month* 30
- 7 Entry and search under a search warrant must be within the period of one month starting with the date of its issue.
- All-premises warrants*
- 8 (1) In the case of an all-premises warrant, premises that are not specified in the warrant may be entered and searched only if a senior officer has authorised them to be entered. 35
- (2) An authorisation under sub-paragraph (1) must be in writing.

*Search of premises more than once*

- 9 (1) Premises may be entered or searched for the second or a subsequent time under a search warrant authorising multiple entries only if a senior officer has authorised that entry to the premises.
- (2) An authorisation under sub-paragraph (1) must be in writing. 5

*Time of search*

- 10 Entry and search under a search warrant must be at a reasonable hour unless it appears to the officer executing it that the purpose of a search may be frustrated or seriously prejudiced on an entry at a reasonable hour.

*Evidence of authority etc* 10

- 11 (1) Where the occupier of premises to be entered and searched under a search warrant is present at the time when a police or customs officer seeks to execute the warrant, the following requirements must be satisfied –
- (a) the occupier must be told the officer's name;
  - (b) if not a constable in uniform, the officer must produce to the occupier documentary evidence that the officer is a police or customs officer; 15
  - (c) the officer must produce the warrant to the occupier and supply the occupier with a copy of it.
- (2) Where the occupier of premises to be entered and searched under a search warrant is not present at the time when a police or customs officer seeks to execute the warrant – 20
- (a) if some other person who appears to the officer to be in charge of the premises is present, sub-paragraph (1) has effect as if a reference to the occupier were a reference to that other person; 25
  - (b) if not, the officer must leave a copy of the warrant in a prominent place on the premises.

*Extent of search*

- 12 A search under a search warrant may only be a search to the extent required for the purpose for which the warrant was issued. 30

*Securing premises after entry*

- 13 A police or customs officer who enters premises under a search warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

*Return and retention of warrant* 35

- 14 (1) A search warrant must be returned to the appropriate person (see sub-paragraph (2)) –

- (a) when the warrant has been executed, or
- (b) on or before the expiry of the period of one month starting with the date of its issue, if the warrant is—
  - (i) a specific-premises warrant that has not been executed,
  - (ii) an all-premises warrant, or 5
  - (iii) a warrant authorising multiple entries.
- (2) The appropriate person is—
  - (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice of the peace was acting when issuing the warrant; 10
  - (b) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions.
- (3) The appropriate person must retain a search warrant returned under sub-paragraph (1) until the end of the period of 12 months starting with the date of its return. 15
- (4) If during that period the occupier of premises to which the search warrant relates asks to inspect it, the occupier must be allowed to do so.



# Hunting Trophy Import (Prohibition) Bill

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[AS INTRODUCED]

A

## B I L L

TO

Prohibit the import of wild animal specimens derived from trophy hunting; and for connected purposes.

*Presented by John Spellar*

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Ordered, by The House of Commons, to be  
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