

Search Warrants Policy

Commercial in Confidence

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TV LICENSING

Search Warrants Policy

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Author: [REDACTED]

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DOCUMENT HISTORY

Revision History

Next Review Date: 03/2014

Revision Date	Summary of Changes	Requestor
08/10/2004	No Changes 1 st Issue	
08/07/2010	Reviewed - No changes	
26/02/2013	Issue 2 – various changes to tighten up wording and align with practice	

Approvals

This document requires the following approvals:

Name	Title
	Head of Legal Services
Colin Jones	Director of Field
	BBC – Field Operations Lead
Sian Healey	BBC – Head of Policy & Communications
	Senior Policy Advisor
	Legal Advisor
BBC BMR	As well as being specifically approved by the Head of Policy & Communications and BBC TVL Legal Advisor, changes to this policy should be circulated for comment and collectively approved by the BBC's BMR team.

Distribution

Through Quality Management System.

1. PURPOSE

- 1.1 To outline TV Licensing policy in relation to the application for and execution of search warrants requested under section 366 of the Communications Act 2003.

2. SCOPE

- 2.1 This policy is applicable to those working within TV Licensing Field Operations, who apply for, process and execute search warrants, and have been appropriately authorised by the BBC to do so.

3. PRINCIPLES

- 3.1 A Search Warrant may be sought from a justice of the peace, a sheriff in Scotland or a lay magistrate in Northern Ireland to allow visiting officers duly authorised by the BBC to enter a premises or vehicle and to examine and test any television receiver found there, where there are reasonable grounds for believing that:
 - 3.1.1 an offence under Section 363 of the Communications Act 2003 has been, or is being committed,
 - 3.1.2 evidence of the commission of the offence is likely to be on the premises or in the vehicle and
 - 3.1.3 entry to the premises or vehicle will not be granted unless a warrant is produced, it is impracticable to communicate with the person entitled to grant entry to the premises or vehicle or the purpose of the search may be seriously prejudiced without a warrant.
- 3.2 Detection technology may be used to gather evidence for the purpose of a Search Warrant application where there has been a previous refusal to cooperate or where the right of TV Licensing to access the premises has been withdrawn, and where all other reasonable methods of gathering evidence have been exhausted.
- 3.3 Where reasonable grounds to suspect the commission of an offence have been established a further visit should usually take place with a view to gathering additional evidence and to give the occupier a further chance of being interviewed to avoid whenever possible the need to obtain a warrant. This visit need not however take place if violence or serious abuse occurred or was threatened during a previous visit, if the premises have been the subject of successful detection activity or if the right of TV Licensing to access the premises has been withdrawn.
- 3.4 Legal advice must be obtained following the final visit and all Search Warrant applications must be approved by the legal team before they are submitted to court.
- 3.5 Before an application is made to court, unless prior notification would frustrate or seriously prejudice the purpose of the search, a letter must be sent to the occupier warning that a Search Warrant will be applied for if a licence is not purchased.
- 3.6 The guidelines set out in the Codes of Practice issued under the provisions of the

Police and Criminal Evidence Act 1984 must be followed when executing a Search Warrant.

- 3.7 Force must not be used by TV Licensing to gain entry to a property.
- 3.8 The Police must be asked to attend the execution of a Search Warrant to observe, to assist if required and to prevent a breach of the peace.