

Please complete and attach this form and send it together with the UK Letter of Request for Evidence form

Please refer to the sections on Search and Seizure which are contained in the MLA Guidelines prior to completing this form.

SECTION 1 – to be completed in every case

PART A: CONTACT DETAILS

Contact details of the judge / prosecutor / police officer who can be contacted if further information concerning this application is required

Name:

Title:

Telephone number (including country / area code):

Fax number (including country / area code):

Email address:

PART B: PERSONS TO BE PRESENT DURING THE SEARCH

Only persons named in the warrant may be present when the search is conducted and there must be a good reason for them to be present

Tick and complete, if applicable

It is requested that officials of the requesting state assist in the execution of the search warrant in the executing State.

Provide the details of each person (investigators, judges or prosecutors from your country) you wish to present during the search:

Name:

Title:

State why they should be present at the search (e.g. to assist in translating documents):

(Repeat for each person)

PART C: PREMISES TO BE SEARCHED

Flat / house name /number:

The flat number must be provided if the address given is a block of flats, or other multi-occupancy building

Postal address of the premises in respect of which search is to be applied for:

Postcode (this can be found on the [Royal Mail website](#)):

Are there any other parts of the premises to be searched e.g. outhouses / boats

Yes No

If **yes**, list all other areas to be searched:

Provide details of all documents seized during your investigation that show this address and explain their relevance to the investigation (attach copy of the documents referred to):

Document:

Relevance to investigation:

(Repeat for each document)

PART D: ITEMS TO BE SEARCHED FOR

Only items listed may be searched for and once these items have been found the search will stop, even if parts of the premises have not been searched

Specify to the extent possible the items to be searched for:

State the likely relevance of these items to the investigation (*provide a full explanation including, if possible, copies of documents or other evidence already gathered which support your explanation*):

State why it is believed that the items are on the premises (*include copies of documents or other evidence already gathered which support your explanation*):

Does this search and seizure application immediately follow the commission of the offence/arrest of the subject?

Yes No

If **no**, why is it believed that the items will still be on the premises? (*Provide a full explanation including, if possible, copies of documents or other evidence already gathered*):

Do the items to be searched for consist of or include:

Legally privileged material (*see section 4 for a full definition*).

Yes No

Excluded material (*see section 4 for a full definition*).

Yes No

Special procedure material (*see section 4 for a full definition*).

Yes No

Are you requesting a search warrant for the investigation of an indictable offence without the consent of the occupier?

Yes (complete section 2) No (complete section 3)

PLEASE COMPLETE EITHER SECTION 2 OR SECTION 3

SECTION 2: Search during the investigation of an indictable offence without the consent of the occupier

PART A: DETAILS OF THE OFFENCE

State each of the offences which are under investigation / are the subject of proceedings:

State the maximum sentence for each offence:

PART B: IMPOSSIBILITY OF SEARCH WITH CONSENT

Is it practicable to communicate with the person entitled to grant entry to the premises?

Yes No

If "no" state why not:

Is it practicable to communicate with any person entitled to give access to the evidence?

Yes No

If "no" state why not:

Would entry to the premises be granted without a warrant?

Yes No

If "no" state why not:

Is the purpose of the search likely to be frustrated or seriously prejudiced unless a constable arriving at the premises could secure immediate access to them?

Yes No

If "yes" state why:

SECTION 3: Search of a property occupied/controlled by a suspect who has been arrested/is the subject of proceedings for an indictable offence

PART A: DETAILS OF THE OFFENCE

Provide full details of the offence in respect of which the suspect has been arrested or the proceedings have been commenced:

PART B: DETAILS OF INDIVIDUAL AND PROCEEDINGS

Name:

First name:

Date of birth:

Last known address:

Nationality:

Passport number:

Other relevant information:

If possible annex a copy of their passport or driving licence to this application

Have proceedings been commenced against the individual?

Yes

No

If "yes" state what stage the proceedings have reached:

PART C: LINK BETWEEN THE PREMISES TO BE SEARCHED AND THE SUSPECT

Are the premises to be searched under the control of, or occupied by, a person against whom criminal proceedings have been commenced or who has been arrested in the course of a criminal investigation?

Yes

No

If "yes", provide details of link between premises and this person please explain how this is known/ believed to be the case:

Signed:

Date:

SECTION 4 – DEFINITIONS

Items subject to legal privilege

1. “Items subject to legal privilege” means:

(a) Communications between a professional legal adviser and his client made in connection with the giving of legal advice to the client;

(b) Communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client and any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purpose of such proceedings; and

(c) Items enclosed with or referred to in such communications and made-

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

When they are in possession of a person who is entitled to possession of them.

Items held with the intention of furthering a criminal purpose are not items subject to legal privilege.

Excluded material

1. “Excluded material” means:

(a) Personal records which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office and which he holds in confidence;

(b) Human tissue or tissue fluid which has been taken for the purposes of diagnosis or medical treatment and which a person holds in confidence;

(c) Journalistic material which a person holds in confidence and which consists of documents or of records other than documents.

2. “Personal records” means documentary and other records concerning an individual whether living or dead who can be identified from them and relating to-

(a) His physical or mental health;

(b) Spiritual counselling or assistance given or to be given to him; or

(c) To counselling or assistance given or to be given to him, for the purposes of his personal welfare, by any individual who-

(i) by reason of his office or occupation has responsibilities for his personal welfare; or

(ii) by reason of an order of a court has responsibility for his supervision.

3. “Journalistic material” means material acquired or created for the purposes of journalism provided it is in the possession of a person who acquired or created it for the purposes of journalism.

4. A person holds material other than journalistic material in confidence if he holds it subject to an express or implied undertaking to hold it in confidence or if he holds it subject to a statutory

restriction on disclosure or an obligation of secrecy contained in any enactment.

5. *A person holds journalistic material in confidence if he holds it subject to such an undertaking, restriction or obligation and it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.*

Special procedure material

1. *“Special procedure material” means journalistic material other than excluded material and:*

(a) *Material, other than items subject to legal privilege and excluded material, in the possession of a person who-*

- (i) *Acquired it or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office; and*
- (ii) *Holds it subject to an express or implied undertaking to hold it in confidence or to a restriction or obligation of secrecy imposed by law.*

(b) *Where material is acquired-*

- (i) *By an employee from his employer and in the course of his employment; or*
- (ii) *By a company from an associated company,*
It is only special procedure material immediately before the acquisition.

(c) *Where material is created by an employee in the course of his employment, it is only special procedure material if it would have been special procedure material had his employer created it.*

(d) *Where material is created by a company on behalf of an associated company, it is only special procedure material if it would have been special procedure material had the associated company created it.*