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Police and Criminal Evidence Act 1984

UK Public General Acts 1984 c. 60 Part II Entry and search without... Section 17

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Changes over time for: Section 17 ?

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Changes to legislation: Police and Criminal Evidence Act 1984, Section 17 is up to date with all changes known to be in force on or before 18 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. ?

View outstanding changes

17 Entry for purpose of arrest etc.

- (1) Subject to the following provisions of this section, and without prejudice to any other enactment, a constable may enter and search any premises for the purpose—
- (a) of executing—
    - (i) a warrant of arrest issued in connection with or arising out of criminal proceedings; or
    - (ii) a warrant of commitment issued under section 76 of the M1Magistrates' Courts Act 1980;
  - (b) of arresting a person for an F1indictable offence;
  - (c) of arresting a person for an offence under—
    - (i) section 1 (prohibition of uniforms in connection with political objects), . . . F2 of the M2Public Order Act 1936;
    - (ii) any enactment contained in sections 6 to 8 or 10 of the M3Criminal Law Act 1977 (offences relating to entering and remaining on property);
    - [F3(iii)] section 4 of the Public Order Act 1986 (fear or provocation of violence);
    - [F4(iia)] section 4 (driving etc. when under influence of drink or drugs) or 163 (failure to stop when required to do so by constable in uniform) of the Road Traffic Act 1988;
    - (iiib) section 27 of the Transport and Works Act 1992 (which relates to offences involving drink or drugs);
    - [F5(iv)] section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);
    - [F6(v)] any of sections 4, 5, 6(1) and (2), 7 and 8(1) and (2) of the Animal Welfare Act 2006 (offences relating to the prevention of harm to animals);
    - [F7(vi)] section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (squatting in a residential building);
- [F8(ca)] of arresting, in pursuance of section 32(1A) of the Children and Young Persons Act 1969, any child or young person who has been remanded [F9to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] ;
- [F10(caa)] of arresting a person for an offence to which section 61 of the Animal Health Act 1981 applies;
- [F11(cab)] of arresting a person under any of the following provisions—
  - (i) section 30D(1) or (2A);

- (ii) section 46A(1) or (1A);
  - (iii) section 5B(7) of the Bail Act 1976 (arrest where a person fails to surrender to custody in accordance with a court order);
  - (iv) section 7(3) of the Bail Act 1976 (arrest where a person is not likely to surrender to custody etc);
  - (v) section 97(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (arrest where a child is suspected of breaking conditions of remand);]
  - (cb) of recapturing any person who is, or is deemed for any purpose to be, unlawfully at large while liable to be detained—
    - (i) in a prison, [F12 young offender institution, secure training centre or secure college ], or
    - (ii) in pursuance of [F13 section 92 of the Powers of Criminal Courts (Sentencing ) Act 2000] [F14 or section 260 of the Sentencing Code] (dealing with children and young persons guilty of grave crimes), in any other place;]
  - (d) of recapturing [F15 any person whatever] who is unlawfully at large and whom he is pursuing; or
  - (e) of saving life or limb or preventing serious damage to property.
- (2) Except for the purpose specified in paragraph (e) of subsection (1) above, the powers of entry and search conferred by this section—
- (a) are only exercisable if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises; and
  - (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—
    - (i) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other such dwelling; and
    - (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.
- (3) The powers of entry and search conferred by this section are only exercisable for the purposes specified in subsection (1)(c)(ii) [F16, (iv) or (vi)] above by a constable in uniform.
- (4) The power of search conferred by this section is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.
- (5) Subject to subsection 6 below, all the rules of common law under which a constable has power to enter premises without a warrant are hereby abolished.
- (6) Nothing in subsection (5) above affects any power of entry to deal with or prevent a breach of the peace.

#### Textual Amendments

- F1** Word in s. 17(1)(b) substituted (1.1.2006) by *Serious Organised Crime and Police Act 2005* (c. 15), ss. 111, 178, **Sch. 7 Pt. 3 para. 43(4)**; S.I. 2005/3495, **art. 2(1)(m)**
- F2** Words repealed by *Public Order Act 1986* (c. 64, SIF 39:2), s. 40(2)(3), **Sch. 2 para. 7**, **Sch. 3**
- F3** S.17(1)(c)(iii) inserted by *Public Order Act 1986* (c. 64, SIF 39:2), s. 40(2), **Sch. 2 para. 7**
- F4** S. 17(1)(c)(iii)(iib) substituted for s. 17(1)(c)(iii)(i) (1.1.2006) by *Serious Organised Crime and Police Act 2005* (c. 15), ss. 111, 178, **Sch. 7 Pt. 4 para. 58(a)**; S.I. 2005/3495, **art. 2(1)(m)**
- F5** S. 17(1)(c)(iv) inserted (24.8.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 53(a)**; S.I. 1995/1957, **art. 3**
- F6** S. 17(1)(c)(v) inserted (27.3.2007 for W. and 6.4.2007 for E.) by *Animal Welfare Act 2006* (c. 45), ss. 24, 68 (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, **art. 2(2)(g)**; S.I. 2007/499, **art. 2(2)(g)**
- F7** S. 17(1)(c)(vi) inserted (1.9.2012) by *Legal Aid, Sentencing and Punishment of Offenders Act 2012* (c. 10), ss. 144(8)(a), 151(1); S.I. 2012/1956, **art. 2**
- F8** S. 17(1)(ca)(cb) inserted (5.9.1995) by 1995 c. 16, s. 2(1); S.I. 1995/2021, **art. 2**
- F9** Words in s. 17(1)(ca) substituted (3.12.2012) by *Legal Aid, Sentencing and Punishment of Offenders Act 2012* (c. 10), s. 151(1), **Sch. 12 para. 21**; S.I. 2012/2906, **art. 2(j)** (with **art. 7(2)(3)**)
- F10** S. 17(1)(caa) inserted (1.1.2006) by *Serious Organised Crime and Police Act 2005* (c. 15), ss. 111, 178, **Sch. 7 Pt. 4 para. 58(b)**; S.I. 2005/3495, **art. 2(1)(m)**
- F11** S. 17(1)(cab) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by *Policing and Crime Act 2017* (c. 3), ss. 72, 183(1)(5)(e); S.I. 2017/399, **reg. 2**, **Sch. para. 21**
- F12** Words in s. 17(1)(cb)(i) substituted (20.3.2015) by *Criminal Justice and Courts Act 2015* (c. 2), s. 95(1), **Sch. 9 para. 9**; S.I. 2015/778, **art. 2(1)(c)**
- F13** Words in s. 17(1)(cb) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 95**
- F14** Words in s. 17(1)(cb)(ii) inserted (1.12.2020) by *Sentencing Act 2020* (c. 17), s. 416(1), **Sch. 24 para. 76** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**
- F15** Words in s. 17(1)(d) substituted (5.9.1995) by 1995 c. 16, s. 2(1); S.I. 1995/2021, **art. 2**
- F16** Words in s. 17(3) substituted (1.9.2012) by *Legal Aid, Sentencing and Punishment of Offenders Act 2012* (c. 10), ss. 144(8)(b), 151(1); S.I. 2012/1956, **art. 2**

#### Modifications etc. (not altering text)

- C1** S. 17 extended (2.12.2002) *Police Reform Act 2002* (c. 30), s. 38, **Sch. 4 Pt. 1 para. 8**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C2** S. 17 applied (2.9.2014) by *The Control of Explosives Precursors Regulations 2014* (S.I. 2014/1942), **regs. 1(1), 14**
- C3** S. 17 applied by 1972 c. 66, s. 9A (as inserted (20.4.2015 for specified purposes, 26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by *Deregulation Act 2015* (c. 20), s. 115(2)(e), **Sch. 21 para. 12**; S.I. 2015/994, **arts. 5, 6(p)**)
- C4** S. 17(1)(a)(i) applied (with modifications) (25.6.2013) by *The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013* (S.I. 2013/1542), **arts. 1, 12(2)-(4)**, **Sch. 2** (with **arts. 13-31**)
- C5** S. 17(1)(a)(i) applied (with modifications) (4.11.2015) by *The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015* (S.I. 2015/1783), **arts. 1, 3(1)**, **Sch. 1** (with **art. 3(2)**, (3), 4-19, **Sch. 2**)
- C6** S. 17(1)(a)(i) applied (with modifications) (30.4.2017) by *The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017* (S.I. 2017/520), **regs. 1, 2, 3(h)**, **Sch.**
- C7** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a)(5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), **Sch. 1** applied with modifications by S.I. 1985/1800, **arts. 3-11**, **Schs. 1, 2**
- C8** S. 17(1)(b) applied (with modifications) (25.6.2013) by *The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013* (S.I. 2013/1542), **arts. 1, 12(2)-(4)**, **Sch. 2** (with **arts. 13-31**)
- C9** S. 17(1)(b) applied (with modifications) (25.6.2013) by *The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013* (S.I. 2013/1542), **arts. 1, 3(2)-(4)**, **Sch. 1** (with **arts. 4-11**)
- C10** S. 17(1)(b) applied (with modifications) (4.11.2015) by *The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015* (S.I. 2015/1783), **arts. 1, 3(1)**, **Sch. 1** (with **art. 3(2)**, (3), 4-19, **Sch. 2**)
- C11** S. 17(1)(b) applied (with modifications) (30.4.2017) by *The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017* (S.I. 2017/520), **regs. 1, 2, 3(h)**, **Sch.**
- C12** S. 17(1)(cb) applied (with modifications) (4.11.2015) by *The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015* (S.I. 2015/1783), **arts. 1, 3(1)**, **Sch. 1** (with **art. 3(2)**, (3), 4-19, **Sch. 2**)
- C13** S. 17(1)(cb)(i) applied (with modifications) (25.6.2013) by *The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013* (S.I. 2013/1542), **arts. 1, 3(2)-(4)**, **Sch. 1** (with **arts. 4-11**)

- C14 S. 17(1)(cb)(i) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C15 S. 17(1)(d) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C16 S. 17(1)(d) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C17 S. 17(1)(d) applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C18 S. 17(2)(4) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C19 S. 17(2) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C20 S. 17(2) applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C21 S. 17(2) applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), regs. 1, 2, 3(h), **Sch.**
- C22 S. 17(4) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C23 S. 17(4) applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C24 S. 17(4) applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), regs. 1, 2, 3(h), **Sch.**

Marginal Citations

- M1 1980 c. 43.
- M2 1936 c. 6.
- M3 1977 c. 45.

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