

South Australia

Criminal Investigation (Extraterritorial Offences) Regulations 2010

under the *Criminal Investigation (Extraterritorial Offences) Act 1984*

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Legislative history

1—Short title

These regulations may be cited as the *Criminal Investigation (Extraterritorial Offences) Regulations 2010*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Criminal Investigation (Extraterritorial Offences) Act 1984*.

4—Issue of search warrants (section 4 of Act)

For the purposes of section 4 of the Act, the form of a search warrant issued by a magistrate is—

- (a) if the application for the warrant was made personally—as set out in Schedule 1 Form 1; and
- (b) if the application for the warrant was made by telephone—as set out in Schedule 1 Form 2.

5—Authority conferred by, and other incidents of, a search warrant (section 5 of Act)

For the purposes of section 5(6)(a) of the Act, the prescribed form for a notice is as set out in Schedule 1 Form 3.

Schedule 1—Forms

Form 1—Warrant—application made personally

Criminal Investigation (Extraterritorial Offences) Act 1984, section 4

WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application made personally and verified by affidavit for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe that—
 - (a) an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
 - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

*This warrant must not be executed between the hours of 7pm and 7am.

*This warrant may be executed between the hours of 7pm and 7am.

*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

Form 2—Warrant—application made by telephone

Criminal Investigation (Extraterritorial Offences) Act 1984, section 4

WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application by telephone in accordance with section 4(5) of the Act for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe—
 - (a) that an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
 - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*

- 3 It appears to me that the following facts, furnished to me by the applicant, constitute proper grounds for the issue of a search warrant in respect of the premises described above: *[insert facts]*
- 4 I have informed the applicant of those facts and the applicant has undertaken to verify those facts.

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

*This warrant must not be executed between the hours of 7pm and 7am.

*This warrant may be executed between the hours of 7pm and 7am.

*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

Form 3—Notice of seizure of objects

Criminal Investigation (Extraterritorial Offences) Act 1984, section 5(6)(a)

NOTICE TO OCCUPIER (to be completed and signed by police officer executing search warrant):

Please note that premises occupied by you have been searched pursuant to a search warrant issued under the *Criminal Investigation (Extraterritorial Offences) Act 1984* and objects have been seized as follows:

Address or description of premises:

Description of objects or things seized:

Location(s) in which objects were found on premises:

Details of search warrant—

- Name of magistrate who issued warrant:
- Date, time and place of issue of warrant:

Name and rank of police officer:

Signature of police officer:

Date:

Schedule 2—Revocation of *Criminal Investigation (Extraterritorial Offences) Regulations 1986*

The *Criminal Investigation (Extraterritorial Offences) Regulations 1986* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2010	193	<i>Gazette 26.8.2010 p4466</i>	26.8.2010: r 2