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CRIMINAL CODE ACT COMPILATION ACT 1913

**CRIMINAL CODE
(GENERAL) REGULATIONS
2005**

Criminal Code Act Compilation Act 1913

Criminal Code (General) Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Code (General) Regulations 2005*.

2. Commencement

These regulations come into operation on 2 May 2005.

3. Interpretation

In these regulations, unless the contrary intention appears —
“**Form**”, if followed by a number, means the form of that number in Schedule 1.

4. Forms, completing

If an item in a form in Schedule 1 does not have enough space to complete it, the person completing it must —

- (a) insert in the item “See attachment [*number*]”; and
- (b) attach to the form a separate document titled “Attachment [*number*] — [*name of the item*]”.

Criminal Code (General) Regulations 2005**r. 5**

Example: A single attachment to Form 1 for the item “Thing(s) to be searched for” will be titled “Attachment 1 — Thing(s) to be searched for”.

5. Search warrant, application for

- (1) An application under *The Criminal Code* section 711 for a warrant must be made in the form of Form 1 which may be adapted as necessary for the purposes of that section.
- (2) An application under *The Criminal Code* section 716 for a warrant must be made in the form of Form 1 as adapted for the purposes of that section.

6. Search warrant, form of

- (1) A search warrant issued under *The Criminal Code* section 711 must be in the form of Form 2 which may be adapted as necessary for the purposes of that section.
- (2) A search warrant issued under *The Criminal Code* section 716 must be in the form of Form 2 as adapted for the purposes of that section.

7. Forms may be used for other search warrants

If an Act permits an application for and the issue of a search warrant and the Act or subsidiary legislation made under it does not prescribe the form of the application or the warrant, the forms in Schedule 1, with any necessary changes, may be used for the purposes of the Act.

Criminal Code (General) Regulations 2005Forms **Schedule 1****Form 1****Schedule 1 — Forms**

[r. 3]

1. Application for search warrant (r. 5)

| | | |
|--|--|---------------------------------------|
| <i>The Criminal Code</i> s. 711 | | Application for search warrant |
| Applicant | Full name | |
| | Rank | |
| | Registered No. | |
| | Police station | |
| Application | I apply for a warrant — <ul style="list-style-type: none"> • to search the house, vessel, vehicle, aircraft, or place, described below for the thing(s) described below; and • to seize the thing(s) if found. | |
| House etc. to be searched ¹ | | |
| Thing(s) to be searched for ² | | |
| Grounds for the application ³ | | |
| Execution at night | Is it desired to execute the warrant at night? Yes/No If yes, state why: | |
| Oath of applicant ⁴ | I swear that the contents of this application are true and correct. Applicant | |
| Date | | |
| JP's signature | The applicant made this application on oath before me on the above date at ⁵ Justice of the Peace | |

Notes to Form 1 —

1. Give the address or geographical location of the house or place to be searched. If a vessel, vehicle or aircraft is to be searched, describe it and give the address or geographical location of it.
2. Give a reasonably specific description of the thing(s) to be searched for.
3. State the grounds having regard to *The Criminal Code* section 711.
4. Insert the words of an affirmation if required.
5. Insert the place where the application is made.

Criminal Code (General) Regulations 2005**Schedule 1 Forms****Form 2****2. Search warrant (r. 6)**

| | | | |
|--|--|-----------------------|--|
| <i>The Criminal Code</i> s. 711 | | Search warrant | |
| To | and every other police officer. | | |
| Application | Under <i>The Criminal Code</i> section 711, an application has been made to me, supported by evidence on oath, for a warrant. | | |
| Warrant | I direct you — <ul style="list-style-type: none"> • to search the house, vessel, vehicle, aircraft, or place, described below for the thing(s) described below; and • to seize any such thing if found and to take it before a Justice of the Peace to be dealt with according to law. | | |
| House etc. to be searched ² | | | |
| Thing(s) to be searched for ³ | | | |
| Execution at night | This warrant ⁴ cannot/can be executed by night. | | |
| Date | | Time | |
| JP's signature | Issued by me on the above date and at the above time at ⁵ Justice of the Peace | | |

Notes to Form 2 —

1. State name of police officer to whom the warrant is directed.
2. State the address or geographical location of the house or place to be searched. If a vessel, vehicle or aircraft is to be searched, describe it and give the address or geographical location of it.
3. State a reasonably specific description of the thing(s) to be searched for.
4. Delete one.
5. Insert the place where the warrant is issued.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
