



Terrorism Act 2000

2000 CHAPTER 11

PART V

COUNTER-TERRORIST POWERS

Suspected terrorists

40 Terrorist: interpretation.

- (1) In this Part “terrorist” means a person who—
 - (a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63, or
 - (b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.
- (2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of acts of terrorism includes a reference to a person who has been, whether before or after the passing of this Act, concerned in the commission, preparation or instigation of acts of terrorism within the meaning given by section 1.

41 Arrest without warrant.

- (1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.
- (2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.
- (3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning—
 - (a) with the time of his arrest under this section, or

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- (b) if he was being detained under Schedule 7 when he was arrested under this section, with the time when his examination under that Schedule began.
- (4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.
- (5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.
- (6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.
- (7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.
- (8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.
- (9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

42 Search of premises.

- (1) A justice of the peace may on the application of a constable issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a person falling within section 40(1)(b) is to be found there.
- (2) A warrant under this section shall authorise any constable to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 41.
- (3) In the application of subsection (1) to Scotland—
 - (a) “justice of the peace” includes the sheriff, and
 - (b) the justice of the peace or sheriff can be satisfied as mentioned in that subsection only by having heard evidence on oath.

43 Search of persons.

- (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (3) A search of a person under this section must be carried out by someone of the same sex.
- (4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.

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- (5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

Modifications etc. (not altering text)

- C1** S. 43(4): power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 82; S.I. 2003/708, art. 2

Power to stop and search

44 Authorisations.

- (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation and to search—
- the vehicle;
 - the driver of the vehicle;
 - a passenger in the vehicle;
 - anything in or on the vehicle or carried by the driver or a passenger.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search—
- the pedestrian;
 - anything carried by him.
- (3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorisation may be given—
- where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
 - where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
 - where the specified area or place is the whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.

[^{F1}[^{F2}(4A) In a case (within subsection (4)(a), (b) or (c) in which the specified area or place is in a place described in section 34(1A), an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief constable.]

- (4B) In a case in which the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, an authorisation may also be given by a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable.

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- (4C) But an authorisation may not be given by—
- (a) a member of the British Transport Police Force, or
 - (b) a member of the Ministry of Defence Police,
- in any other case.]
- (5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Textual Amendments

- F1** S. 44(4A)-(4C) inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 31**
- F2** S. 44(4A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(c)**

Modifications etc. (not altering text)

- C2** S. 44 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C3** S. 44(1)(a)(d) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C4** S. 44(2)(b) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

45 Exercise of power.

- (1) The power conferred by an authorisation under section 44(1) or (2)—
 - (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
 - (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.
- (2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.
- (3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.
- (5) Where—
 - (a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2), and
 - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2),
 the written statement shall be provided.
- (6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

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Modifications etc. (not altering text)

- C5 S. 45(1)(4) modified (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C6 S. 45(2) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

46 Duration of authorisation.

- (1) An authorisation under section 44 has effect, subject to subsections (2) to (7), during the period—
 - (a) beginning at the time when the authorisation is given, and
 - (b) ending with a date or at a time specified in the authorisation.
- (2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given.
- (3) The person who gives an authorisation shall inform the Secretary of State as soon as is reasonably practicable.
- (4) If an authorisation is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it is given—
 - (a) it shall cease to have effect at the end of that period, but
 - (b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.
- (5) Where the Secretary of State confirms an authorisation he may substitute an earlier date or time for the date or time specified under subsection (1)(b).
- (6) The Secretary of State may cancel an authorisation with effect from a specified time.
- (7) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) to (6) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

47 Offences.

- (1) A person commits an offence if he—
 - (a) fails to stop a vehicle when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(1);
 - (b) fails to stop when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(2);
 - (c) wilfully obstructs a constable in the exercise of the power conferred by an authorisation under section 44(1) or (2).
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding six months,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.

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Parking

48 Authorisations.

- (1) An authorisation under this section authorises any constable in uniform to prohibit or restrict the parking of vehicles on a road specified in the authorisation.
- (2) An authorisation may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (3) An authorisation may be given—
 - (a) where the road specified is outside Northern Ireland and is wholly or partly within a police area other than one mentioned in paragraphs (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - (b) where the road specified is wholly or partly in the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
 - (c) where the road specified is wholly or partly in the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
 - (d) where the road specified is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.
- (4) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

49 Exercise of power.

- (1) The power conferred by an authorisation under section 48 shall be exercised by placing a traffic sign on the road concerned.
- (2) A constable exercising the power conferred by an authorisation under section 48 may suspend a parking place.
- (3) Where a parking place is suspended under subsection (2), the suspension shall be treated as a restriction imposed by virtue of section 48—
 - (a) for the purposes of section 99 of the ^{M1}Road Traffic Regulation Act 1984 (removal of vehicles illegally parked, &c.) and of any regulations in force under that section, and
 - (b) for the purposes of Articles 47 and 48 of the ^{M2}Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

Marginal Citations

M1 1984 c. 27.

M2 S.I. 1997/276 (N.I. 2).

50 Duration of authorisation.

- (1) An authorisation under section 48 has effect, subject to subsections (2) and (3), during the period specified in the authorisation.

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- (2) The period specified shall not exceed 28 days.
- (3) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) and (2) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

51 Offences.

- (1) A person commits an offence if he parks a vehicle in contravention of a prohibition or restriction imposed by virtue of section 48.
- (2) A person commits an offence if—
 - (a) he is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of section 48, and
 - (b) he fails to move the vehicle when ordered to do so by a constable in uniform.
- (3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for the act or omission in question.
- (4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of subsection (3).
- (5) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding three months,
 - (b) a fine not exceeding level 4 on the standard scale, or
 - (c) both.

52 Interpretation.

In sections 48 to 51—

“disabled person's badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the ^{M3}Chronically Sick and Disabled Persons Act 1970 (in relation to England and Wales and Scotland) or section 14 of the ^{M4}Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (in relation to Northern Ireland);

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

“parking” means leaving a vehicle or permitting it to remain at rest;

“traffic sign” has the meaning given in section 142(1) of the ^{M5}Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and in Article 28 of the ^{M6}Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland);

“vehicle” has the same meaning as in section 99(5) of the ^{M7}Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and Article 47(4) of the ^{M8}Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

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Marginal Citations

- M3** 1970 c. 44.
M4 1978 c. 53 (N.I.).
M5 1984 c. 27.
M6 S.I. 1997/276 (N.I. 2).
M7 1984 c. 27.
M8 S.I. 1997/276 (N.I. 2).

Port and border controls

53 Port and border controls.

- (1) Schedule 7 (port and border controls) shall have effect.
- (2) The Secretary of State may by order repeal paragraph 16 of Schedule 7.
- (3) The powers conferred by Schedule 7 shall be exercisable notwithstanding the rights conferred by section 1 of the ^{M9}Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).

Marginal Citations

- M9** 1971 c. 77.

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