

SCHEDULES

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART I

ENGLAND AND WALES AND NORTHERN IRELAND

Excluded or special procedure material: search

- 11 (1) A constable may apply to a Circuit judge for the issue of a warrant under this paragraph for the purposes of a terrorist investigation.
- (2) A warrant under this paragraph shall authorise any constable—
- (a) to enter the premises specified in the warrant,
 - (b) to search the premises and any person found there, and
 - (c) to seize and retain any relevant material which is found on a search under paragraph (b).
- (3) A warrant under this paragraph shall not authorise—
- (a) the seizure and retention of items subject to legal privilege;
 - (b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.
- 12 (1) A Circuit judge may grant an application under paragraph 11 if satisfied that an order made under paragraph 5 in relation to material on the premises specified in the application has not been complied with.
- (2) A Circuit judge may also grant an application under paragraph 11 if satisfied that there are reasonable grounds for believing that—
- (a) there is material on premises specified in the application which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and
 - (b) the conditions in sub-paragraphs (3) and (4) are satisfied.
- (3) The first condition is that—
- (a) the warrant is sought for the purposes of a terrorist investigation, and
 - (b) the material is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.
- (4) The second condition is that it is not appropriate to make an order under paragraph 5 in relation to the material because—

Status: This is the original version (as it was originally enacted).

- (a) it is not practicable to communicate with any person entitled to produce the material,
- (b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated, or
- (c) a terrorist investigation may be seriously prejudiced unless a constable can secure immediate access to the material.