



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 6

WEAPONS OF MASS DESTRUCTION

Supplemental provisions relating to sections 47 and 50

51 Extraterritorial application

- (1) Proceedings for an offence committed under section 47 or 50 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any part of the United Kingdom.
- (2) Her Majesty may by Order in Council extend the application of section 47 or 50, so far as it applies to acts done outside the United Kingdom, to bodies incorporated under the law of any of the Channel Islands, the Isle of Man or any colony.

52 Powers of entry

- (1) If—
 - (a) a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting that evidence of the commission of an offence under section 47 or 50 is to be found on any premises; or
 - (b) in Scotland the sheriff is satisfied by evidence on oath as mentioned in paragraph (a),he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.
- (2) The powers of a person who enters the premises under the authority of the warrant include power—

- (a) to take with him such other persons and such equipment as appear to him to be necessary;
 - (b) to inspect, seize and retain any substance, equipment or document found on the premises;
 - (c) to require any document or other information which is held in electronic form and is accessible from the premises to be produced in a form—
 - (i) in which he can read and copy it; or
 - (ii) from which it can readily be produced in a form in which he can read and copy it;
 - (d) to copy any document which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under section 47 or 50.
- (3) A constable who enters premises under the authority of a warrant or by virtue of subsection (2)(a) may—
- (a) give such assistance as an authorised officer may request for the purpose of facilitating the exercise of any power under this section; and
 - (b) search or cause to be searched any person on the premises who the constable has reasonable cause to believe may have in his possession any document or other thing which may be required as evidence for the purposes of proceedings in respect of an offence under section 47 or 50.
- (4) No constable shall search a person of the opposite sex.
- (5) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a constable.
- (6) A person who—
- (a) wilfully obstructs an authorised officer in the exercise of a power conferred by a warrant under this section; or
 - (b) fails without reasonable excuse to comply with a reasonable request made by an authorised officer or a constable for the purpose of facilitating the exercise of such a power,
- is guilty of an offence.
- (7) A person guilty of an offence under subsection (6) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (8) In this section “authorised officer” means an authorised officer of the Secretary of State.

53 Customs and Excise prosecutions

- (1) Proceedings for a nuclear weapons offence may be instituted by order of the Commissioners of Customs and Excise if it appears to them that the offence has involved—
- (a) the development or production outside the United Kingdom of a nuclear weapon;
 - (b) the movement of a nuclear weapon into or out of any country or territory;
 - (c) any proposal or attempt to do anything falling within paragraph (a) or (b).

- (2) In this section “nuclear weapons offence” means an offence under section 47 or 50 (including an offence of aiding, abetting, counselling, procuring or inciting the commission of, or attempting or conspiring to commit, such an offence).
- (3) Any proceedings for an offence which are instituted under subsection (1) shall be commenced in the name of an officer, but may be continued by another officer.
- (4) Where the Commissioners of Customs and Excise investigate, or propose to investigate, any matter with a view to determining—
 - (a) whether there are grounds for believing that a nuclear weapons offence has been committed, or
 - (b) whether a person should be prosecuted for such an offence,that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979 (c. 2).
- (5) Nothing in this section affects any powers of any person (including any officer) apart from this section.
- (6) In this section “officer” means a person commissioned by the Commissioners of Customs and Excise.
- (7) This section does not apply to the institution of proceedings in Scotland.

54 Offences

- (1) A person who knowingly or recklessly makes a false or misleading statement for the purpose of obtaining (or opposing the variation or withdrawal of) authorisation for the purposes of section 47 or 50 is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (3) Where an offence under section 47, 50 or subsection (1) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) In subsection (3) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

55 Consent to prosecutions

- Proceedings for an offence under section 47 or 50 shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Attorney General;
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

56 Interpretation of Part 6

- (1) In this Part “United Kingdom person” means a United Kingdom national, a Scottish partnership or a body incorporated under the law of a part of the United Kingdom.
- (2) For this purpose a United Kingdom national is an individual who is—
 - (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
 - (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject;
or
 - (c) a British protected person within the meaning of that Act.