



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 1

#### POWERS TO GATHER AND SHARE INFORMATION

##### *Power to remove documents for examination*

PROSPECTIVE

#### **4 Record of removal**

- (1) A constable who removes a document under section 1 must make a written record of the removal.
- (2) The record must be made as soon as is reasonably practicable and in any event within the period of 24 hours beginning with the time when the document was removed.
- (3) The record must—
  - (a) describe the document,
  - (b) specify the object of the removal,
  - (c) where the document was found in the course of a search of a person, state the person's name (if known),
  - (d) where the document was found in the course of a search of any premises, state the address of the premises where the document was found,
  - (e) where the document was found in the course of a search of any premises, state the name (if known) of—
    - (i) any person who, when the record is made, appears to the constable to have been the occupier of the premises when the document was found, and
    - (ii) any person who, when the record is made, appears to the constable to have had custody or control of the document when it was found, and
  - (f) state the date and time when the document was removed.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 4. (See end of Document for details)*

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- (4) If, in a case where the document was found in the course of a search of a person, the constable does not know the person's name, the record must include a description of the person.
- (5) If, in a case where the document was found in the course of a search of any premises, the constable does not know the name of a person mentioned in subsection (3)(e) but is able to provide a description of that person, the record must include such a description.
- (6) The record must identify the constable by reference to the constable's police number.
- (7) The following are entitled, on a request made to the constable, to a copy of the record made under this section—
  - (a) where the document was found in the course of a search of a person, that person; and
  - (b) where the document was found in the course of a search of any premises—
    - (i) the occupier of the premises when it was found, and
    - (ii) any person who had custody or control of the document when it was found.
- (8) The constable must provide the copy within a reasonable time from the making of the request.
- (9) If, in England and Wales or Northern Ireland, the document is found in the course of a search under a warrant, the constable must make an endorsement on the warrant stating that the document has been removed under section 1.
- (10) In the application of this section in relation to the search of a vehicle, the reference to the address of the premises is to the location of the vehicle together with its registration number (if any).

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 4.