

# PROTECTION OF FREEDOMS ACT 2012

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 4: Counter-terrorism powers**

#### ***Section 61: Replacement powers to stop and search in specified locations***

236. *Subsection (1)* inserts new section 47A into the 2000 Act. New section 47A replaces in part the powers in sections 44 to 46 of the 2000 Act repealed by section 59. The new powers allow a senior police officer (defined in paragraph 14(1) and (2) of new Schedule 6B to the 2000 Act, inserted by Schedule 5 to this Act) to give an authorisation to allow the stop and search of vehicles (including drivers of vehicles, passengers and anything found in or on a vehicle) and pedestrians (including anything carried by a pedestrian), to search for anything that may constitute evidence that a person is a terrorist, or the vehicle is being used for the purposes of terrorism. A constable in uniform may exercise the powers, once authorised, regardless of whether he or she has a reasonable suspicion that he or she will find such evidence in the course of a search. A constable includes a constable of the British Transport Police and Ministry of Defence Police, and the Civil Nuclear Constabulary where an authorisation covers an area where its members have the powers and privileges of a constable. In England and Wales and Northern Ireland, a community support officer may also exercise the powers listed in new section 47A(2)(a) and (d), (3)(b) and (6) (see paragraphs 30 and 31 of Schedule 9 to this Act which amend the Police Reform Act 2002 and the Police (Northern Ireland) Act 2003 respectively). An authorisation can only be given if the person giving it reasonably suspects that an act of terrorism will take place and reasonably considers that the authorisation of the powers is necessary to prevent such an act and that the area or place specified in the authorisation are no greater than is necessary and the duration of the authorisation is no longer than is necessary.
237. *Subsection (2)* introduces Schedule 5 which inserts new Schedule 6B into the 2000 Act.