

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

Section 61(2)

REPLACEMENT POWERS TO STOP AND SEARCH: SUPPLEMENTARY PROVISIONS

Commencement Information

II Sch. 5 in force at 10.7.2012 by S.I. 2012/1205, art. 4(g)

After Schedule 6A to the Terrorism Act 2000 insert—

“SCHEDULE 6B

SEARCHES IN SPECIFIED AREAS OR PLACES: SUPPLEMENTARY

Extent of search powers: supplementary

- 1 A constable exercising the power conferred by an authorisation under section 47A may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- 2 (1) Sub-paragraph (2) applies if a constable proposes to search a person or vehicle by virtue of section 47A(2) or (3).
(2) The constable 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.

Requirements as to writing

- 3 A senior police officer who gives an authorisation under section 47A orally must confirm it in writing as soon as reasonably practicable.
- 4 (1) Where—
 - (a) a vehicle or pedestrian is stopped by virtue of section 47A(2) or (3), and
 - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that the pedestrian was stopped, by virtue of section 47A(2) or (as the case may be) (3),the written statement must be provided.
(2) An application under sub-paragraph (1) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

Duration of authorisations

- 5 (1) An authorisation under section 47A has effect during the period—
 - (a) beginning at the time when the authorisation is given, and

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- (b) ending with the specified date or at the specified time.
- (2) This paragraph is subject as follows.
- 6 The specified date or time must not occur after the end of the period of 14 days beginning with the day on which the authorisation is given.
- 7 (1) The senior police officer who gives an authorisation must inform the Secretary of State of it as soon as reasonably practicable.
- (2) An authorisation ceases to have effect at the end of the period of 48 hours beginning with the time when it is given unless it is confirmed by the Secretary of State before the end of that period.
- (3) An authorisation ceasing to have effect by virtue of sub-paragraph (2) does not affect the lawfulness of anything done in reliance on it before the end of the period concerned.
- (4) When confirming an authorisation, the Secretary of State may—
 - (a) substitute an earlier date or time for the specified date or time;
 - (b) substitute a more restricted area or place for the specified area or place.
- 8 The Secretary of State may cancel an authorisation with effect from a time identified by the Secretary of State.
- 9 (1) A senior police officer may—
 - (a) cancel an authorisation with effect from a time identified by the officer concerned;
 - (b) substitute an earlier date or time for the specified date or time;
 - (c) substitute a more restricted area or place for the specified area or place.
- (2) Any such cancellation or substitution in relation to an authorisation confirmed by the Secretary of State under paragraph 7 does not require confirmation by the Secretary of State.
- 10 An authorisation given by a member of the Civil Nuclear Constabulary does not have effect except in relation to times when the specified area or place is a place where members of that Constabulary have the powers and privileges of a constable.
- 11 The existence, expiry or cancellation of an authorisation does not prevent the giving of a new authorisation.

Specified areas or places

- 12 (1) An authorisation given by a senior police officer who is not a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary may specify an area or place together with—
 - (a) the internal waters adjacent to that area or place; or
 - (b) a specified area of those internal waters.
- (2) In sub-paragraph (1) “internal waters” means waters in the United Kingdom that are not comprised in any police area.
- 13 Where an authorisation specifies more than one area or place—
 - (a) the power of a senior police officer under paragraph 5(1)(b) to specify a date or time includes a power to specify different dates or times for different areas or places (and the other references in this Schedule to the specified date or time are to be read accordingly), and

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- (b) the power of the Secretary of State under paragraph 7(4)(b), and of a senior police officer under paragraph 9(1)(c), includes a power to remove areas or places from the authorisation.

Interpretation

14 (1) In this Schedule—

“driver” has the meaning given by section 43A(5);

“senior police officer” means—

- (a) in relation to an authorisation where the specified area or place is the whole or part of a police area outside Northern Ireland, other than of a police area mentioned in paragraph (b) or (c), a police officer for the area who is of at least the rank of assistant chief constable;
- (b) in relation to an authorisation where the specified area or place is the whole or part of the metropolitan police district, a police officer for the district who is of at least the rank of commander of the metropolitan police;
- (c) in relation to an authorisation where the specified area or place is the whole or part of the City of London, a police officer for the City who is of at least the rank of commander in the City of London police force;
- (d) in relation to an authorisation where the specified area or place is the whole or part of Northern Ireland, a member of the Police Service of Northern Ireland who is of at least the rank of assistant chief constable;

“specified” means specified in an authorisation.

(2) References in this Schedule to a senior police officer are to be read as including—

- (a) in relation to an authorisation where the specified area or place is the whole or part of a police area outside Northern Ireland and is in a place described in section 34(1A), a member of the British Transport Police Force who is of at least the rank of assistant chief constable;
- (b) in relation to an authorisation where the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable;
- (c) in relation to an authorisation where the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, a member of that Constabulary who is of at least the rank of assistant chief constable;

but such references are not to be read as including a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary in any other case.”

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)