

SCHEDULE 1

Article 3(2)

Replacement powers to stop and search: supplementary provisions
The Terrorism Act 2000 is to have effect as if after Schedule 6A there were inserted—

“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
- (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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
- (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 47A(8);

“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(1) 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.”

SCHEDULE 2

Article 5

Consequential amendments

Police and Criminal Evidence Act 1984

1. The Police and Criminal Evidence Act 1984(2) is to have effect as if after section 66(2) (codes of practice in relation to statutory search powers etc.) there were inserted—

“(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47B(1) of the Terrorism Act 2000 (as that code is revised from time to time) (code of practice in relation to terrorism powers to stop and search in specified locations).”

(1) 1987 c.4. Section 2(2) was amended by section 98(1) and (2) and section 125 of and Part 6 of Schedule 8 to the Anti-terrorism, Crime and Security Act 2001 (c.24).

(2) 1984 c.60. Section 66(1)(a)(i) was amended by section 57(1) and (4) of the Criminal Justice and Courts Services Act 2000 (c. 43) and sections 110(3)(a) and 174(2) of and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PACE Code A

2. The code of practice issued under section 66 of the Police and Criminal Evidence Act 1984⁽³⁾ known as Code A is to have effect as if paragraphs 2.18A to 2.26⁽⁴⁾ of the code were revoked.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

3. Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice in relation to statutory search powers etc.) is to have effect as if—

- (a) the existing provisions were to become paragraph (1), and
- (b) after that paragraph there were inserted—

“(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47B(1) of the Terrorism Act 2000 (as that code is revised from time to time) (code of practice in relation to terrorism powers to stop and search in specified locations).”

Regulation of Investigatory Powers Act 2000

4. Paragraph 6(3) of Schedule 2 to the Regulation of Investigatory Powers Act 2000⁽⁵⁾ (general requirements relating to the appropriate permission) is to have effect as if—

- (a) in paragraph (a) for “section 44” there were substituted “section 47A”,
- (b) in paragraph (b)—
 - (i) at the beginning there were inserted “section 44 of the Terrorism Act 2000 or”, and
 - (ii) for “of section 44” there were substituted “of section 47A”, and
- (c) after “mentioned in” there were inserted “paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”).”

Police Reform Act 2002

5. Paragraph 15(1) of Schedule 4 to the Police Reform Act 2002 (powers of stop and search for community support officers) is to have effect as if—

- (a) in paragraph (a)—
 - (i) for “section 44(1)(a) and (d) and (2)(b) and 45(2)” there were substituted “section 47A(2)(a) and (d), (3)(b) and (6)”,
 - (ii) in sub-paragraph (iv) for “any article” there were substituted “anything which is”, and
 - (iii) also in sub-paragraph (iv), for “section 44(1) or (2) of that Act” there were substituted “section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1) (b) of that Act”, and
- (b) in paragraph (b) for “subsections (1) and (4) of section 45 of” there were substituted “subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to,”.

⁽³⁾ 1984 c.60. Section 66(1)(a)(i) was amended by section 57(1) and (4) of the Criminal Justice and Courts Services Act 2000 (c. 43) and sections 110(3)(a) and 174(2) of and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15).

⁽⁴⁾ Those paragraphs were inserted or amended by S.I. 2011/412.

⁽⁵⁾ 2000 c.23.

Police (Northern Ireland) Act 2003

6. Paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (powers of stop and search for community support officers) is to have effect as if—

- (a) in sub-paragraph (1)—
 - (i) for “sections 44(1)(a) and (d) and (2)(b) and 45(2)” there were substituted “section 47A(2)(a) and (d), (3)(b) and (6)”,
 - (ii) in paragraph (d) for “any article” there were substituted “anything which is”, and
 - (iii) also in paragraph (d), for “section 44(1) or (2) of that Act” there were substituted “section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1) (b) of that Act”, and
- (b) in sub-paragraph (2) for “subsections (1) and (4) of section 45 of” there were substituted “subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to,”.