

Status: Point in time view as at 03/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Prevention of Terrorism (Temporary Provisions) Act 1989 (repealed), SCHEDULE 6A. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6A

POLICE CORDONS]

Textual Amendments

F1 Sch. 6A inserted (3.4.1996) by 1996 c. 7, s. 4(2), Sch.

- 1 In this Schedule—
- “authorisation” means an authorisation given under section 16C of this Act;
 - “cordoned area” means an area on which a cordon has been imposed by an authorisation which remains in force;
 - “police tape” means any plastic or other tape which is generally used by the police force concerned to indicate an area to which members of the public should not attempt to gain access;
 - “terrorist investigation” means any investigation to which section 17(1) of this Act applies.

Authorisation

- 2 (1) Authorisation may be given in writing or orally but if given orally must be confirmed in writing by the person giving it as soon as is reasonably practicable.
- (2) A constable who gives an authorisation by virtue of section 16C(2) above must, as soon as is reasonably practicable—
- (a) make a written record of the time at which he gave it; and
 - (b) cause a police officer of at least the rank of superintendent to be informed that it was given.
- (3) An officer to whom such a report is made may give a direction in writing—
- (a) confirming the authorisation; or
 - (b) if he considers that it should not be confirmed, cancelling it.
- (4) If a direction is given under sub-paragraph (3)(b), the officer giving it must record in writing—
- (a) the fact that the authorisation was given; and
 - (b) the reason for giving it.

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Area on which cordon is imposed

- 3 (1) An authorisation must specify the area on which the cordon is being imposed.
 (2) That area must be within the police area of the person giving the authorisation.

Period for which cordon is imposed

- 4 (1) An authorisation must specify the period for which it will be in force.
 (2) The period initially specified must not exceed 14 days.
 (3) The specified period may be extended by one or more written variations made by an officer of at least the rank of superintendent.
 (4) The overall period for which an authorisation is in force must not exceed 28 days.

Marking the area

- 5 The area on which a cordon is imposed must, so far as is reasonably practicable, be indicated by means of police tape or in such other manner as appears to the police officer responsible for carrying out the arrangements for applying the cordon to be appropriate.

Police powers in cordoned area

- 6 (1) A person who is in a cordoned area must immediately leave the area if ordered to do so by a constable in uniform.
 (2) A person who is on any premises which abut or are wholly or partly within a cordoned area must immediately leave the premises if ordered to do so by a constable in uniform.
 (3) The driver or other person in charge of a vehicle which is in a cordoned area must immediately move the vehicle from the area if ordered to do so by a constable in uniform.
 (4) A constable may—
 (a) remove from a cordoned area any vehicle which is in that area; or
 (b) move any such vehicle to another place within that area.
 (5) A constable in uniform may prohibit or restrict any vehicular or pedestrian access to a cordoned area.

Powers of search in cordoned area: England and Wales

- 7 (1) If a police officer of at least the rank of superintendent has reasonable grounds for believing—

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- (a) that there is material which is likely to be of substantial value (whether by itself or together with other material) to a terrorist investigation to be found on premises which are wholly or partly within a cordoned area, and
 - (b) that the material does not consist of or include items subject to legal privilege, excluded material or special procedure material,
- he may give written authority for a search of the premises.
- (2) If written authority is given under this paragraph, a constable may enter the premises specified in the authority, search the premises and any person found there and seize and retain anything found there or on any such person, other than items subject to legal privilege, if he has reasonable grounds for believing—
- (a) that it is likely to be of substantial value (whether by itself or together with other material) to the investigation; and
 - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (3) Entry and search under an authority given under this paragraph may be at any time (and on more than one occasion) while the area concerned is a cordoned area.
- (4) Nothing in this paragraph authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.
- (5) Any power of seizure conferred by this Schedule is without prejudice to the powers conferred by section 19 of the ^{M1}Police and Criminal Evidence Act 1984 and for the purposes of sections 21 and 22 of that Act (access to, and copying and retention of, seized material), a terrorist investigation is to be treated as an investigation of or in connection with an offence.
- (6) In this paragraph “items subject to legal privilege”, “excluded material” and “special procedure material” have the meaning given in sections 10 to 14 of the ^{M2}Police and Criminal Evidence Act 1984.

Marginal Citations

M1 1984 c. 60.

M2 1984 c. 60.

Powers of search in cordoned areas: Scotland

- 8
- (1) If a police officer of at least the rank of superintendent has reasonable grounds for believing that there is material which is likely to be of substantial value (whether by itself or together with other material) to a terrorist investigation to be found on premises which are wholly or partly within a cordoned area, he may give written authority for a search of the premises.
 - (2) If written authority is given under this paragraph, a constable may enter the premises specified in the authority, search the premises and any person found there and seize and retain anything found there or on any such person if he has reasonable grounds for believing that it is such material as is mentioned in sub-paragraph (1) above and that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

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- (3) Under an authority given under this paragraph a constable may—
- (a) enter and search the premises specified in the authority at any time (and on more than one occasion) while the area concerned is a cordoned area; and
 - (b) if necessary, for the purpose of the exercise of his powers under sub-paragraph (2) above, open lockfast places on such premises.
- (4) Nothing in this paragraph authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.
- (5) Nothing in this paragraph shall prejudice any rule of law whereby—
- (a) communications between a professional legal adviser and his client, or
 - (b) communications made in connection with or in contemplation of legal proceedings and for the purpose of those proceedings,
- are in legal proceedings protected from disclosure on grounds of confidentiality.

Offences

- 9 (1) A person who—
- (a) fails to comply with an order given under paragraph 6(1), (2) or (3) above,
 - (b) contravenes a prohibition or restriction imposed under paragraph 6(5) above, or
 - (c) wilfully obstructs a constable in the execution of his duty under paragraph 6 above,
- is guilty of an offence.
- (2) A person who wilfully obstructs, or seeks to frustrate the object of, a search under paragraph 7 or 8 above, is guilty of an offence.
- (3) It is a defence for a person charged with an offence under sub-paragraph (1)(a) or (b) above to prove that he had lawful authority or some other reasonable excuse for the failure or contravention.
- (4) A person who is guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or both.

Powers to be in addition to other powers

- 10 The powers conferred by this Schedule are additional to any other powers which a constable has either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.

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