



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART V

#### COUNTER-TERRORIST POWERS

##### *Suspected terrorists <sup>F1</sup> etc.]*

#### Textual Amendments

- F1** Word in s. 40 cross-heading inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 24](#) (with s. 97); S.I. 2012/1205, art. 4(k)

#### **40 Terrorist: interpretation.**

- (1) In this Part “terrorist” means a person who—
- (a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63, or
  - (b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.
- (2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of acts of terrorism includes a reference to a person who has been, whether before or after the passing of this Act, concerned in the commission, preparation or instigation of acts of terrorism within the meaning given by section 1.

#### **41 Arrest without warrant.**

- (1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.
- (2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.

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*Status: Point in time view as at 20/08/2014.*

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- (3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning—
  - (a) with the time of his arrest under this section, or
  - (b) if he was being detained under Schedule 7 when he was arrested under this section, with the time when his examination under that Schedule began.
- (4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.
- (5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.
- (6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.
- (7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.
- (8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.
- (9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

#### **42 Search of premises.**

- (1) A justice of the peace may on the application of a constable issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a person falling within section 40(1)(b) is to be found there.
- (2) A warrant under this section shall authorise any constable to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 41.
- (3) In the application of subsection (1) to Scotland—
  - (a) “justice of the peace” includes the sheriff, and
  - (b) the justice of the peace or sheriff can be satisfied as mentioned in that subsection only by having heard evidence on oath.

#### **43 Search of persons.**

- (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

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<sup>F2</sup>(3) .....

(4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.

[<sup>F3</sup>(4A) Subsection (4B) applies if a constable, in exercising the power under subsection (1) to stop a person whom the constable reasonably suspects to be a terrorist, stops a vehicle (see section 116(2)).

(4B) The constable—

- (a) may search the vehicle and anything in or on it to discover whether there is anything which may constitute evidence that the person concerned is a terrorist, and
- (b) may seize and retain anything which the constable—
  - (i) discovers in the course of such a search, and
  - (ii) reasonably suspects may constitute evidence that the person is a terrorist.

(4C) Nothing in subsection (4B) confers a power to search any person but the power to search in that subsection is in addition to the power in subsection (1) to search a person whom the constable reasonably suspects to be a terrorist.]

(5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

**Textual Amendments**

- F2** S. 43(3) repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 60(1), 120, [Sch. 10 Pt. 4](#) (with s. 97); [S.I. 2012/1205](#), art. 4(d)(l)
- F3** S. 43(4A)-(4C) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 60(2), 120 (with s. 97); [S.I. 2012/1205](#), art. 4(d)

**Modifications etc. (not altering text)**

- C1** S. 43(4): power(s) of seizure extended (1.4.2003) by [2001 c. 16](#), ss. 51-54, 68, [Sch. 1 Pt. 2 para. 82](#); [S.I. 2003/708](#), art. 2

[<sup>F4</sup>**43A Search of vehicles**

(1) Subsection (2) applies if a constable reasonably suspects that a vehicle is being used for the purposes of terrorism.

(2) The constable may stop and search—

- (a) the vehicle;
- (b) the driver of the vehicle;
- (c) a passenger in the vehicle;
- (d) anything in or on the vehicle or carried by the driver or a passenger;

to discover whether there is anything which may constitute evidence that the vehicle is being used for the purposes of terrorism.

(3) A constable may seize and retain anything which the constable—

- (a) discovers in the course of a search under this section, and

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- (b) reasonably suspects may constitute evidence that the vehicle is being used for the purposes of terrorism.
- (4) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.
- (5) In this section “driver”, in relation to an aircraft, hovercraft or vessel, means the captain, pilot or other person with control of the aircraft, hovercraft or vessel or any member of its crew and, in relation to a train, includes any member of its crew.]

**Textual Amendments**

**F4** S. 43A inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 60(3)**, 120 (with s. 97); S.I. 2012/1205, art. 4(d)

F5 ...

**Textual Amendments**

**F5** Ss. 44-47 and the cross-heading before s. 44 repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 59**, 120, **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(c)(l)

**F544 Authorisations.**

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**Modifications etc. (not altering text)**

**C2** S. 44 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

**C3** Ss. 44-47 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), arts. 1, 2-4, **Sch. 1** (with art. 6)

**F545 Exercise of power.**

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**Modifications etc. (not altering text)**

**C3** Ss. 44-47 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), arts. 1, 2-4, **Sch. 1** (with art. 6)

**F546 Duration of authorisation.**

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**Modifications etc. (not altering text)**

- C3** Ss. 44-47 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), arts. 1, 2-4, [Sch. 1](#) (with art. 6)

**<sup>F5</sup>47 Offences.**

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**Modifications etc. (not altering text)**

- C3** Ss. 44-47 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), arts. 1, 2-4, [Sch. 1](#) (with art. 6)

*<sup>F6</sup>Powers to stop and search in specified locations*

**Textual Amendments**

- F6** S. 47A and cross-heading inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [ss. 61\(1\), 120](#) (with s. 97); [S.I. 2012/1205](#), art. 4(e)

**47A Searches in specified areas or places**

- (1) A senior police officer may give an authorisation under subsection (2) or (3) in relation to a specified area or place if the officer—
  - (a) reasonably suspects that an act of terrorism will take place; and
  - (b) reasonably considers that—
    - (i) the authorisation is necessary to prevent such an act;
    - (ii) the specified area or place is no greater than is necessary to prevent such an act; and
    - (iii) the duration of the authorisation is no longer than is necessary to prevent such an act.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in the specified area or place and to search—
  - (a) the vehicle;
  - (b) the driver of the vehicle;
  - (c) a passenger in the vehicle;
  - (d) anything in or on the vehicle or carried by the driver or a passenger.
- (3) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in the specified area or place and to search—
  - (a) the pedestrian;
  - (b) anything carried by the pedestrian.
- (4) A constable in uniform may exercise the power conferred by an authorisation under subsection (2) or (3) only for the purpose of discovering whether there is anything which may constitute evidence that the vehicle concerned is being used for the

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purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b).

- (5) But the power conferred by such an authorisation may be exercised whether or not the constable reasonably suspects that there is such evidence.
- (6) A constable may seize and retain anything which the constable—
  - (a) discovers in the course of a search under such an authorisation; and
  - (b) 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).
- (7) Schedule 6B (which makes supplementary provision about authorisations under this section) has effect.
- (8) In this section—
  - “driver” has the meaning given by section 43A(5);
  - “senior police officer” has the same meaning as in Schedule 6B (see paragraph 14(1) and (2) of that Schedule);
  - “specified” means specified in an authorisation.]

*[<sup>F7</sup>Code of practice relating to sections 43, 43A and 47A*

#### Textual Amendments

- F7** Ss. 47AA-47AE and cross-heading inserted (9.5.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. [62](#), [120](#) (with s. [97](#)); [S.I. 2012/1205](#), art. [2](#)

#### **47AA Code of practice relating to sections 43, 43A and 47A**

- (1) The Secretary of State must prepare a code of practice containing guidance about—
  - (a) the exercise of the powers conferred by sections 43 and 43A,
  - (b) the exercise of the powers to give an authorisation under section 47A(2) or (3),
  - (c) the exercise of the powers conferred by such an authorisation and section 47A(6), and
  - (d) such other matters in connection with the exercise of any of the powers mentioned in paragraphs (a) to (c) as the Secretary of State considers appropriate.
- (2) Such a code may make different provision for different purposes.
- (3) In the course of preparing such a code, the Secretary of State must consult the Lord Advocate and such other persons as the Secretary of State considers appropriate.

#### **47AB Issuing of code**

- (1) The Secretary of State must lay before Parliament—
  - (a) a code of practice prepared under section 47AA, and
  - (b) a draft of an order providing for the code to come into force.
- (2) The Secretary of State must make the order and issue the code if the draft of the order is approved by a resolution of each House of Parliament.

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- (3) The Secretary of State must not make the order or issue the code unless the draft of the order is so approved.
- (4) The Secretary of State must prepare another code of practice under section 47AA if—
  - (a) the draft of the order is not so approved, and
  - (b) the Secretary of State considers that there is no realistic prospect that it will be so approved.
- (5) A code comes into force in accordance with an order under this section.

#### **47AC Alteration or replacement of code**

- (1) The Secretary of State—
  - (a) must keep the search powers code under review, and
  - (b) may prepare an alteration to the code or a replacement code.
- (2) Before preparing an alteration or a replacement code, the Secretary of State must consult the Lord Advocate and such other persons as the Secretary of State considers appropriate.
- (3) Section 47AB (other than subsection (4)) applies to an alteration or a replacement code prepared under this section as it applies to a code prepared under section 47AA.
- (4) In this section “the search powers code” means the code of practice issued under section 47AB (2) (as altered or replaced from time to time).

#### **47AD Publication of code**

- (1) The Secretary of State must publish the code (and any replacement code) issued under section 47AB (2).
- (2) The Secretary of State must publish—
  - (a) any alteration issued under section 47AB (2), or
  - (b) the code or replacement code as altered by it.

#### **47AE Effect of code**

- (1) A constable must have regard to the search powers code when exercising any powers to which the code relates.
- (2) A failure on the part of a constable to act in accordance with any provision of the search powers code does not of itself make that person liable to criminal or civil proceedings.
- (3) The search powers code is admissible in evidence in any such proceedings.
- (4) A court or tribunal may, in particular, take into account a failure by a constable to have regard to the search powers code in determining a question in any such proceedings.
- (5) The references in this section to a constable include, in relation to any functions exercisable by a person by virtue of paragraph 15 of Schedule 4 to the Police Reform Act 2002 or paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (search powers in specified areas or places for community support officers), references to that person.

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- (6) In this section “the search powers code” means the code of practice issued under section 47AB (2) (as altered or replaced from time to time).]

### Parking

#### 48 Authorisations.

- (1) An authorisation under this section authorises any constable in uniform to prohibit or restrict the parking of vehicles on a road specified in the authorisation.
- (2) An authorisation may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (3) An authorisation may be given—
  - (a) where the road specified is [<sup>F8</sup>in England and Wales] and is wholly or partly within a police area other than one mentioned in paragraphs (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
  - (b) where the road specified is wholly or partly in the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
  - (c) where the road specified is wholly or partly in the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
  - [<sup>F9</sup>(ca) where the road specified is in Scotland, by a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;]
  - (d) where the road specified is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.
- (4) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

#### Textual Amendments

- F8** Words in s. 48(3)(a) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 32(2)(a)**
- F9** S. 48(3)(ca) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 32(2)(b)**

#### 49 Exercise of power.

- (1) The power conferred by an authorisation under section 48 shall be exercised by placing a traffic sign on the road concerned.
- (2) A constable exercising the power conferred by an authorisation under section 48 may suspend a parking place.
- (3) Where a parking place is suspended under subsection (2), the suspension shall be treated as a restriction imposed by virtue of section 48—



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- (a) for the purposes of section 99 of the <sup>M1</sup>Road Traffic Regulation Act 1984 (removal of vehicles illegally parked, &c.) and of any regulations in force under that section, and
- (b) for the purposes of Articles 47 and 48 of the <sup>M2</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

#### Marginal Citations

**M1** 1984 c. 27.

**M2** S.I. 1997/276 (N.I. 2).

### 50 Duration of authorisation.

- (1) An authorisation under section 48 has effect, subject to subsections (2) and (3), during the period specified in the authorisation.
- (2) The period specified shall not exceed 28 days.
- (3) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) and (2) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

### 51 Offences.

- (1) A person commits an offence if he parks a vehicle in contravention of a prohibition or restriction imposed by virtue of section 48.
- (2) A person commits an offence if—
  - (a) he is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of section 48, and
  - (b) he fails to move the vehicle when ordered to do so by a constable in uniform.
- (3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for the act or omission in question.
- (4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of subsection (3).
- (5) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding three months,
  - (b) a fine not exceeding level 4 on the standard scale, or
  - (c) both.

### 52 Interpretation.

In sections 48 to 51—

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“disabled person’s badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the <sup>M3</sup>Chronically Sick and Disabled Persons Act 1970 (in relation to England and Wales and Scotland) or section 14 of the <sup>M4</sup>Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (in relation to Northern Ireland);

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

“parking” means leaving a vehicle or permitting it to remain at rest;

“traffic sign” has the meaning given in section 142(1) of the <sup>M5</sup>Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and in Article 28 of the <sup>M6</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland);

“vehicle” has the same meaning as in section 99(5) of the <sup>M7</sup>Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and Article 47(4) of the <sup>M8</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

#### Marginal Citations

- M3** 1970 c. 44.  
**M4** 1978 c. 53 (N.I.).  
**M5** 1984 c. 27.  
**M6** S.I. 1997/276 (N.I. 2).  
**M7** 1984 c. 27.  
**M8** S.I. 1997/276 (N.I. 2).

### *Port and border controls*

#### **53 Port and border controls.**

- (1) Schedule 7 (port and border controls) shall have effect.
- (2) The Secretary of State may by order repeal paragraph 16 of Schedule 7.
- (3) The powers conferred by Schedule 7 shall be exercisable notwithstanding the rights conferred by section 1 of the <sup>M9</sup>Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).

#### Marginal Citations

- M9** 1971 c. 77.

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