



Terrorism Act 2000

2000 CHAPTER 11

PART V

COUNTER-TERRORIST POWERS

Power to stop and search

44 Authorisations.

- (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation 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.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search—
 - (a) the pedestrian;
 - (b) anything carried by him.
- (3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorisation may be given—
 - (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;

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- (c) where the specified area or place is the whole or part of 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;
- (d) where the specified area or place is the whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.

[^{F1}[^{F2}(4A) In a case (within subsection (4)(a), (b) or (c) in which the specified area or place is in a place described in section 34(1A), an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief constable.]

(4B) In a case in which the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, an authorisation may also be given by a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable.

[In a case in which the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, an authorisation may also be given by a member of that Constabulary who is of at least the rank of assistant chief constable.]

(4C) But an authorisation may not be given by—

- (a) a member of the British Transport Police Force,^{F4} . . .
- (b) a member of the Ministry of Defence Police,^{F5} or
- (c) a member of the Civil Nuclear Constabulary,]

in any other case.]

(5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Textual Amendments

- F1** S. 44(4A)-(4C) inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 31**
- F2** S. 44(4A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(c)**
- F3** S. 44(4BA) inserted (E.W.S.) (1.4.2005) by Energy Act 2004 (c. 20), **s. 57(2)(a)**; S.I. 2005/877, **art. 2(1)**, Sch. 1
- F4** Word in s. 44(4C) repealed (1.4.2005) by Energy Act 2004 (c. 20), s. 197(9), **Sch. 23 Pt. 1**; S.I. 2005/877, **art. 2(1)**, Sch. 1 Table
- F5** S. 44 (4C)(c) and preceding word inserted (E.W.S.) (1.4.2005) by Energy Act 2004 (c. 20), **s. 57(2)(b)**; S.I. 2005/877, **art. 2(1)**, Sch. 1

Modifications etc. (not altering text)

- C1** 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)**
- C2** S. 44(1)(a)(d) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C3** S. 44(2)(b) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

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45 Exercise of power.

- (1) The power conferred by an authorisation under section 44(1) or (2)—
 - (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
 - (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.
- (2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.
- (3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he 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.
- (5) Where—
 - (a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2), and
 - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2),the written statement shall be provided.
- (6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

Modifications etc. (not altering text)

- C4 S. 45(1)(4) modified (E.W.) (2.12.2002) by 2002 c. 30, s. 38, Sch. 4 Pt. 1 para. 15(1)(b); S.I. 2002/2750, art. 2(a)(ii)(d)
- C5 S. 45(2) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, Sch. 4 Pt. 1 para. 15(1)(a); S.I. 2002/2750, art. 2(a)(ii)(d)

46 Duration of authorisation.

- (1) An authorisation under section 44 has effect, subject to subsections (2) to (7), during the period—
 - (a) beginning at the time when the authorisation is given, and
 - (b) ending with a date or at a time specified in the authorisation.
- (2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given.
- [^{F6}(2A) An authorisation under section 44(4BA) does not have effect except in relation to times when the specified area or place is a place where members of the Civil Nuclear Constabulary have the powers and privileges of a constable.]
- (3) The person who gives an authorisation shall inform the Secretary of State as soon as is reasonably practicable.

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- (4) If an authorisation is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it is given—
 - (a) it shall cease to have effect at the end of that period, but
 - (b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.
- (5) Where the Secretary of State confirms an authorisation he may substitute an earlier date or time for the date or time specified under subsection (1)(b).
- (6) The Secretary of State may cancel an authorisation with effect from a specified time.
- (7) 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) to (6) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

Textual Amendments

F6 S. 46(2A) inserted (E.W.S.) (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 57(3); S.I. 2005/877, art. 2(1), Sch. 1

47 Offences.

- (1) A person commits an offence if he—
 - (a) fails to stop a vehicle when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(1);
 - (b) fails to stop when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(2);
 - (c) wilfully obstructs a constable in the exercise of the power conferred by an authorisation under section 44(1) or (2).
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding six months,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.

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