



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 10

#### POLICE POWERS

##### *Identification*

#### **89 Fingerprinting of terrorist suspects**

- (1) Schedule 8 to the Terrorism Act 2000 (c. 11) (persons detained under terrorism provisions) is amended as follows.
- (2) In paragraph 10, at the beginning of sub-paragraph (6) (grounds on which officer may authorise fingerprinting or taking of sample), insert “Subject to sub-paragraph (6A)”; and after that sub-paragraph insert—

“(6A) An officer may also give an authorisation under sub-paragraph (4)(a) for the taking of fingerprints if—

- (a) he is satisfied that the fingerprints of the detained person will facilitate the ascertainment of that person’s identity; and
- (b) that person has refused to identify himself or the officer has reasonable grounds for suspecting that that person is not who he claims to be.

(6B) In this paragraph references to ascertaining a person’s identity include references to showing that he is not a particular person.”

- (3) In paragraph 20(2), for the subsection (2) substituted by way of modification of section 18 of the Criminal Procedure (Scotland) Act 1995 (c. 46) substitute—

“(‘) Subject to subsection (2A), a constable may take from a detained person or require a detained person to provide relevant physical data only if—

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- (a) in the case of a person detained under section 41 of the Terrorism Act 2000, he reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a) of that Act and he reasonably believes that the relevant physical data will tend to confirm or disprove his involvement; or
  - (b) in any case, he is satisfied that it is necessary to do so in order to assist in determining whether the person falls within section 40(1)(b).
- (2A) A constable may also take fingerprints from a detained person or require him to provide them if—
- (a) he is satisfied that the fingerprints of that person will facilitate the ascertainment of that person’s identity; and
  - (b) that person has refused to identify himself or the constable has reasonable grounds for suspecting that that person is not who he claims to be.
- (2B) In this section references to ascertaining a person’s identity include references to showing that he is not a particular person.”
- (4) For paragraph 20(3) substitute—
- “(3) Subsections (3) to (5) shall not apply, but any relevant physical data or sample taken in pursuance of section 18 as applied by this paragraph may be retained but shall not be used by any person except for the purposes of a terrorist investigation or for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution.
- (4) In this paragraph—
- (a) a reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences; and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.”

## **90 Searches, examinations and fingerprinting: England and Wales**

- (1) After section 54 of the Police and Criminal Evidence Act 1984 (c. 60) (searches of detained persons) insert—

### **“54A Searches and examination to ascertain identity**

- (1) If an officer of at least the rank of inspector authorises it, a person who is detained in a police station may be searched or examined, or both—
- (a) for the purpose of ascertaining whether he has any mark that would tend to identify him as a person involved in the commission of an offence; or

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- (b) for the purpose of facilitating the ascertainment of his identity.
- (2) An officer may only give an authorisation under subsection (1) for the purpose mentioned in paragraph (a) of that subsection if—
  - (a) the appropriate consent to a search or examination that would reveal whether the mark in question exists has been withheld; or
  - (b) it is not practicable to obtain such consent.
- (3) An officer may only give an authorisation under subsection (1) in a case in which subsection (2) does not apply if—
  - (a) the person in question has refused to identify himself; or
  - (b) the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (4) An officer may give an authorisation under subsection (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (5) Any identifying mark found on a search or examination under this section may be photographed—
  - (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (6) Where a search or examination may be carried out under this section, or a photograph may be taken under this section, the only persons entitled to carry out the search or examination, or to take the photograph, are—
  - (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this section by the chief officer of police for the police area in which the police station in question is situated;and section 117 (use of force) applies to the exercise by a person falling within paragraph (b) of the powers conferred by the preceding provisions of this section as it applies to the exercise of those powers by a constable.
- (7) A person may not under this section carry out a search or examination of a person of the opposite sex or take a photograph of any part of the body of a person of the opposite sex.
- (8) An intimate search may not be carried out under this section.
- (9) A photograph taken under this section—
  - (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (10) In subsection —
  - (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or

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(ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;

and

(b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

(11) In this section—

(a) references to ascertaining a person's identity include references to showing that he is not a particular person; and

(b) references to taking a photograph include references to using any process by means of which a visual image may be produced, and references to photographing a person shall be construed accordingly.

(12) In this section “mark” includes features and injuries; and a mark is an identifying mark for the purposes of this section if its existence in any person's case facilitates the ascertainment of his identity or his identification as a person involved in the commission of an offence.”

(2) In section 61(4) of that Act (grounds on which fingerprinting of person detained at a police station may be authorised)—

(a) in paragraph (b), after “his involvement” insert “ or will facilitate the ascertainment of his identity (within the meaning of section 54A), or both ”;

(b) after that paragraph insert—

“but an authorisation shall not be given for the purpose only of facilitating the ascertainment of that person's identity except where he has refused to identify himself or the officer has reasonable grounds for suspecting that he is not who he claims to be.”

## **91 Searches, examinations and fingerprinting: Northern Ireland**

(1) After Article 55 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (searches of detained persons) insert—

### **“55A Searches and examination to ascertain identity**

(1) If an officer of at least the rank of inspector authorises it, a person who is detained in a police station may be searched or examined, or both—

(a) for the purpose of ascertaining whether he has any mark that would tend to identify him as a person involved in the commission of an offence; or

(b) for the purpose of facilitating the ascertainment of his identity.

(2) An officer may only give an authorisation under paragraph (1) for the purpose mentioned in sub-paragraph (a) of that paragraph if—

(a) the appropriate consent to a search or examination that would reveal whether the mark in question exists has been withheld; or

(b) it is not practicable to obtain such consent.

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- (3) An officer may only give an authorisation under paragraph (1) in a case in which paragraph (2) does not apply if—
- (a) the person in question has refused to identify himself; or
  - (b) the officer has reasonable grounds for suspecting that that person is not who he claims to be.
- (4) An officer may give an authorisation under paragraph (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (5) Any identifying mark found on a search or examination under this Article may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (6) Where a search or examination may be carried out under this Article, or a photograph may be taken under this Article, the only persons entitled to carry out the search or examination, or to take the photograph, are—
- (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this Article by the Chief Constable;
- and Article 88 (use of force) applies to the exercise by a person falling within sub-paragraph (b) of the powers conferred by the preceding provisions of this Article as it applies to the exercise of those powers by a constable.
- (7) A person may not under this Article carry out a search or examination of a person of the opposite sex or take a photograph of any part of the body of a person of the opposite sex.
- (8) An intimate search may not be carried out under this Article.
- (9) A photograph taken under this Article—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (10) In paragraph (9)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;
- and
- (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

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- (11) In this Article—
- (a) references to ascertaining a person’s identity include references to showing that he is not a particular person; and
  - (b) references to taking a photograph include references to using any process by means of which a visual image may be produced, and references to photographing a person shall be construed accordingly.
- (12) In this Article “mark” includes features and injuries; and a mark is an identifying mark for the purposes of this Article if its existence in any person’s case facilitates the ascertainment of his identity or his identification as a person involved in the commission of an offence.”
- (2) In Article 61(4) of that Order (grounds on which fingerprinting of person detained at a police station may be authorised)—
- (a) in sub-paragraph (b), after “his involvement” insert “ or will facilitate the ascertainment of his identity (within the meaning of Article 55A), or both ”; and
  - (b) after that sub-paragraph insert—
 

“but an authorisation shall not be given for the purpose only of facilitating the ascertainment of that person’s identity except where he has refused to identify himself or the officer has reasonable grounds for suspecting that he is not who he claims to be.”

## 92 Photographing of suspects etc.: England and Wales

After section 64 of the Police and Criminal Evidence Act 1984 (c. 60) insert—

### “64A Photographing of suspects etc.

- (1) A person who is detained at a police station may be photographed—
  - (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (2) A person proposing to take a photograph of any person under this section—
  - (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
  - (b) if the requirement is not complied with, may remove the item or substance himself.
- (3) Where a photograph may be taken under this section, the only persons entitled to take the photograph are—
  - (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this section by the chief officer of police for the police area in which the police station in question is situated;

and section 117 (use of force) applies to the exercise by a person falling within paragraph (b) of the powers conferred by the preceding provisions of this section as it applies to the exercise of those powers by a constable.

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- (4) A photograph taken under this section—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (5) In subsection (4)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (6) References in this section to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.”

### **93 Photographing of suspects etc.: Northern Ireland**

After Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) insert—

#### **“64A Photographing of suspects etc.**

- (1) A person who is detained at a police station may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (2) A person proposing to take a photograph of any person under this Article—
- (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
  - (b) if the requirement is not complied with, may remove the item or substance himself.
- (3) Where a photograph may be taken under this Article, the only persons entitled to take the photograph are—
- (a) constables; and
  - (b) persons who (without being constables) are designated for the purposes of this Article by the Chief Constable;

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and Article 88 (use of force) applies to the exercise by a person falling within sub-paragraph (b) of the powers conferred by the preceding provisions of this Article as it applies to the exercise of those powers by a constable.

- (4) A photograph taken under this Article—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution; and
  - (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (5) In paragraph (4)—
- (a) the reference to crime includes a reference to any conduct which—
    - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;

and
  - (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (6) References in this Article to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.”

#### **94 Powers to require removal of disguises: England and Wales**

- (1) After section 60 of the Criminal Justice and Public Order Act 1994 (c. 33) insert—

##### **“60AA Powers to require removal of disguises**

- (1) Where—
- (a) an authorisation under section 60 is for the time being in force in relation to any locality for any period, or
  - (b) an authorisation under subsection (3) that the powers conferred by subsection (2) shall be exercisable at any place in a locality is in force for any period,
- those powers shall be exercisable at any place in that locality at any time in that period.
- (2) This subsection confers power on any constable in uniform—
- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
  - (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.



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- (3) If a police officer of or above the rank of inspector reasonably believes—
- (a) that activities may take place in any locality in his police area that are likely (if they take place) to involve the commission of offences, and
  - (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this subsection,
- he may give an authorisation that the powers conferred by this section shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.
- (4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—
- (a) have been committed in connection with the activities in respect of which the authorisation was given, or
  - (b) are reasonably suspected to have been so committed,
- he may direct that the authorisation shall continue in force for a further twenty-four hours.
- (5) If an inspector gives an authorisation under subsection (3), he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (6) Any authorisation under this section—
- (a) shall be in writing and signed by the officer giving it; and
  - (b) shall specify—
    - (i) the grounds on which it is given;
    - (ii) the locality in which the powers conferred by this section are exercisable;
    - (iii) the period during which those powers are exercisable;and a direction under subsection (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (8) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if references to a locality or to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.
- (9) In this section “British Transport Police Force” and “policed premises” each has the same meaning as in section 60.
- (10) The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.
- (11) This section does not extend to Scotland.”

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(2) In section 60A(1) of that Act (retention of things seized under section 60), after “section 60” insert “ or 60AA ”.

(3) <sup>F1</sup> .....

#### Textual Amendments

**F1** S. 94(3) repealed (1.10.2002) by **Police Reform Act 2002 (c. 30)**, s. 107, **Sch. 8**; S.I. 2002/2306, **art. 2**

## 95 Powers to require removal of disguises: Northern Ireland

(1) In Part 5 of the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), before Article 24 insert—

*“ Temporary powers to deal with activities in a locality*

### 23A Powers to require removal of disguises

(1) Where—

- (a) an authorisation under paragraph (3) that the powers conferred by paragraph (2) shall be exercisable at any place in a locality is in force for any period, or
- (b) an authorisation under Article 23B is for the time being in force in relation to any locality for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

(2) This paragraph confers power on any constable in uniform—

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.

(3) If a police officer of or above the rank of inspector reasonably believes—

- (a) that activities may take place in any locality that are likely (if they take place) to involve the commission of offences, and
- (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this paragraph,

he may give an authorisation that the powers conferred by this Article shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

- (a) have been committed in connection with the activities in respect of which the authorisation was given, or
- (b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

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- (5) If an officer below the rank of superintendent gives an authorisation under paragraph , he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.
- (6) Any authorisation under this Article—
- (a) shall be in writing and signed by the officer giving it; and
  - (b) shall specify—
    - (i) the grounds on which it is given;
    - (ii) the locality in which the powers conferred by this Article are exercisable;
    - (iii) the period during which those powers are exercisable;and a direction under paragraph (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this Article shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (8) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.”
- (2) In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (arrestable offences), after sub-paragraph (i) insert—
- “(ia) an offence under Article 23A(7) of the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)) (failing to comply to requirement to remove disguise).”

*Powers of stop, search and seizure in Northern Ireland*

**96 Power to stop and search in anticipation of violence**

In the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), after Article 23A (which is inserted by section 95) insert—

**“23B Powers to stop and search in anticipation of violence**

- (1) If a police officer of or above the rank of inspector reasonably believes—
- (a) that incidents involving serious violence may take place in any locality, and that it is expedient to give an authorisation under this Article to prevent or control their occurrence, or
  - (b) that persons are carrying dangerous instruments or offensive weapons in any locality without good reason,
- he may give an authorisation that the powers conferred by this Article are to be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.
- (2) This Article confers power on any constable in uniform—
- (a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

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- (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments;
- and a constable may in the exercise of those powers stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or dangerous instruments.
- (3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—
- (a) have been committed in connection with the activities in respect of which the authorisation was given, or
  - (b) are reasonably suspected to have been so committed,
- he may direct that the authorisation shall continue in force for a further twenty-four hours.
- (4) If an officer below the rank of superintendent gives an authorisation under paragraph () he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.
- (5) If in the course of a search under this Article a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.
- (6) This Article applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.
- (7) A person who fails to stop or (as the case may be) fails to stop a vehicle when required to do so by a constable in the exercise of his powers under this Article shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (8) Any authorisation under this Article—
- (a) shall be in writing and signed by the officer giving it; and
  - (b) shall specify—
    - (i) the grounds on which it is given;
    - (ii) the locality in which the powers conferred by this Article are exercisable;
    - (iii) the period during which those powers are exercisable;
 and a direction under paragraph () shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (9) Where a vehicle is stopped by a constable under this Article the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which the vehicle was stopped.
- (10) A person who is searched by a constable under this Article shall be entitled to obtain a written statement that he was searched under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which he was searched.

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- (11) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.
- (12) For the purposes of this Article, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.
- (13) In this Article—
  - “caravan” has the meaning given by section 25(1) of the Caravans Act (Northern Ireland) 1963 (N.I. c. 17);
  - “dangerous instrument” means an instrument which has a blade or is sharply pointed;
  - “offensive weapon” has the meaning given by Article 22(1);
  - “vehicle” includes a caravan.”

## **97 Seized articles**

In the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), after Article 23B insert—

### **“23C Retention and disposal of things seized under Article 23A and 23B**

- (1) Anything seized by a constable under Article 23A or 23B may be retained in accordance with regulations made by the Secretary of State under this Article.
- (2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.
- (3) Regulations made under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.”

*MoD and transport police*

## **98 Jurisdiction of MoD police**

- (1) Section 2 of the Ministry of Defence Police Act 1987 (c. 4) (jurisdiction of members of the Ministry of Defence Police) is amended as follows.
- (2) In subsection (2) (places where members of Ministry of Defence Police have powers and privileges of constables), omit paragraph (d) (which is superseded by the amendment made by subsection (4) of this section).
- (3) In subsection (3) (circumstances in which members of Ministry of Defence Police have powers and privileges of constables in places in United Kingdom not mentioned in subsection (2)), after paragraph (b) insert—
  - “(ba) in connection with offences against persons within paragraph (b) above, with the incitement of such persons to commit offences and with offences under the Prevention of Corruption Acts 1889 to 1916 in relation to such persons;”.
- (4) After that subsection insert—

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*Status: Point in time view as at 05/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Part 10. (See end of Document for details)*

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- “(3A) Where a member of the Ministry of Defence Police has been requested by a constable of—
- (a) the police force for any police area;
  - (b) the Police Service of Northern Ireland;
  - (c) the British Transport Police Force; or
  - (d) the United Kingdom Atomic Energy Authority Constabulary,
- to assist him in the execution of his duties in relation to a particular incident, investigation or operation, members of the Ministry of Defence Police shall have the powers and privileges of constables for the purposes of that incident, investigation or operation but subject to subsection (3B) below.
- (3B) Members of the Ministry of Defence Police have the powers and privileges of constables for the purposes of an incident, investigation or operation by virtue of subsection (3A) above—
- (a) if the request was made under paragraph (a) of that subsection by a constable of the police force for a police area, only in that police area;
  - (b) if it was made under paragraph (b) of that subsection, only in Northern Ireland;
  - (c) if it was made under paragraph (c) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the British Transport Police Force by virtue of subsection (1A) or, in Scotland, subsection (4) of section 53 of the British Transport Commission Act 1949 (c. xxix); or
  - (d) if it was made under paragraph (d) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the United Kingdom Atomic Energy Authority Constabulary.
- (3C) Members of the Ministry of Defence Police shall have in any police area the same powers and privileges as constables of the police force for that police area, and in Northern Ireland the same powers and privileges as constables of the Police Service of Northern Ireland,—
- (a) in relation to persons whom they suspect on reasonable grounds of having committed, being in the course of committing or being about to commit an offence; or
  - (b) if they believe on reasonable grounds that they need those powers and privileges in order to save life or to prevent or minimise personal injury.
- (3D) But members of the Ministry of Defence Police have powers and privileges by virtue of subsection (3C) above only if—
- (a) they are in uniform or have with them documentary evidence that they are members of the Ministry of Defence Police; and
  - (b) they believe on reasonable grounds that a power of a constable which they would not have apart from that subsection ought to be exercised and that, if it cannot be exercised until they secure the attendance of or a request under subsection (3A) above by a constable who has it, the purpose for which they believe it ought to be exercised will be frustrated or seriously prejudiced.”

*Status: Point in time view as at 05/10/2004.*

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- (5) In subsection (4) (territorial waters)—
- (a) for “to (3)” substitute “ to (3D) ”, and
  - (b) for “subsections (1) and (3)” substitute “ those subsections ”.

- (6) In subsection (5)—

- (a) after the definition of “appropriate Gazette” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”,

and

- (b) after the definition of “service authorities” insert—

““United Kingdom Atomic Energy Authority Constabulary” means the special constables appointed under section 3 of the Special Constables Act 1923 (c. 11) on the nomination of the United Kingdom Atomic Energy Authority;”.

#### Commencement Information

- II** S. 98 wholly in force at 7.1.2002; s. 98 in force at Royal Assent except so far as it extends to Scotland see s. 127(2)(e); s. 98 in force for Scotland at 7.1.2002 by S.I. 2001/4104, art. 2

## 99 Provision of assistance by MoD police

After section 2 of the Ministry of Defence Police Act 1987 (c. 4) insert—

### “2A Provision of assistance to other forces

- (1) The Chief Constable of the Ministry of Defence Police may, on the application of the chief officer of any relevant force, provide constables or other assistance for the purpose of enabling that force to meet any special demand on its resources.
- (2) Where a member of the Ministry of Defence Police is provided for the assistance of a relevant force under this section—
- (a) he shall be under the direction and control of the chief officer of that force; and
  - (b) he shall have the same powers and privileges as a member of that force.
- (3) Constables are not to be regarded as provided for the assistance of a relevant force under this section in a case where assistance is provided under section 2 above.
- (4) In this section—
- “British Transport Police Force” has the same meaning as in section 2 above;
  - “chief officer” means—
- (a) the chief officer of the police force for any police area;
  - (b) the Chief Constable of the Police Service of Northern Ireland;

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- (c) the Chief Constable of the British Transport Police Force; or
  - (d) the Chief Constable of the United Kingdom Atomic Energy Authority Constabulary;
- “relevant force” means—
- (a) the police force for any police area;
  - (b) the Police Service of Northern Ireland;
  - (c) the British Transport Police Force; or
  - (d) the United Kingdom Atomic Energy Authority Constabulary; and
- “United Kingdom Atomic Energy Authority Constabulary” has the same meaning as in section 2 above.”

#### Commencement Information

**I2** S. 99 wholly in force at 7.1.2002; s. 99 in force at Royal Assent except so far as it extends to Scotland see s. 127(2)(e); s. 99 in force for Scotland at 7.1.2002 by S.I. 2001/4104, art. 2

## 100 Jurisdiction of transport police

- (1) Where a member of the British Transport Police Force has been requested by a constable of—
  - (a) the police force for any police area,
  - (b) the Ministry of Defence Police, or
  - (c) the United Kingdom Atomic Energy Authority Constabulary,
 (“the requesting force”) to assist him in the execution of his duties in relation to a particular incident, investigation or operation, members of the British Transport Police Force have for the purposes of that incident, investigation or operation the same powers and privileges as constables of the requesting force.
- (2) Members of the British Transport Police Force have in any police area the same powers and privileges as constables of the police force for that police area—
  - (a) in relation to persons whom they suspect on reasonable grounds of having committed, being in the course of committing or being about to commit an offence, or
  - (b) if they believe on reasonable grounds that they need those powers and privileges in order to save life or to prevent or minimise personal injury.
- (3) But members of the British Transport Police Force have powers and privileges by virtue of subsection (2) only if—
  - (a) they are in uniform or have with them documentary evidence that they are members of that Force, and
  - (b) they believe on reasonable grounds that a power of a constable which they would not have apart from that subsection ought to be exercised and that, if it cannot be exercised until they secure the attendance of or a request under subsection (1) by a constable who has it, the purpose for which they believe it ought to be exercised will be frustrated or seriously prejudiced.
- (4) In this section—
 

[<sup>F2</sup> “British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix)], and



*Status: Point in time view as at 05/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Part 10. (See end of Document for details)*

“United Kingdom Atomic Energy Authority Constabulary” means the special constables appointed under section 3 of the Special Constables Act 1923 (c. 11) on the nomination of the United Kingdom Atomic Energy Authority.

#### Textual Amendments

- F2** S. 100(4): definition of "British Transport Police Force" ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 90); S.I. 2004/1572, **art. 3(ddd)(jjj)**

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

- C1** S. 100 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

#### Commencement Information

- I3** S. 100 wholly in force at 7.1.2002; s. 100 in force at Royal Assent except so far as it extends to Scotland, see s. 127; s. 100 in force for Scotland at 7.1.2002 by S.I. 2001/4104, **art. 2**

## 101 Further provisions about transport police and MoD police

Schedule 7 contains amendments relating to the British Transport Police Force and the Ministry of Defence Police.

#### Commencement Information

- I4** S. 101 wholly in force at 7.1.2002; s. 101 in force at Royal Assent for specified purposes see s. 127(2)(e); s. 101 in force for remaining purposes at 7.1.2002 by S.I. 2001/4104, **art. 2**

**Status:**

Point in time view as at 05/10/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Part 10.