

*These notes refer to the Terrorism Act 2000 (c.11)
which received Royal Assent on 20th July 2000*

TERRORISM ACT 2000

EXPLANATORY NOTES

COMMENTARY

Schedule 10: Munitions and Transmitters: Search and Seizure

Paragraphs 2–7: Entering premises; stopping and searching persons; and seizure

139. These paragraphs contain the main powers used by the police and Army to enter premises and dwellinghouses for the purpose of searching for arms etc. Under PACE(NI), the police have general powers of entry and search of places to which the public has access. A search warrant is required to search dwellings other than for the purposes of making an arrest. PACE(NI) also provides entry and search powers upon or after arrest. Paragraph 4 adds to such powers: a power to restrict movement of persons present on premises which are in the course of being searched
140. PACE(NI) powers to stop and search in public places are exercisable on suspicion that a stolen item, offensive weapon, or an item intended for criminal use will be found. Entry and search of premises other than to make an arrest or prevent a breach of the peace, damage or injury must be under the authority of a warrant. By contrast paragraph 6 allows the police and Army to stop and search any person in a public place for unlawful munition or wireless apparatus and to search any person not in a public place on reasonable suspicion of having such items.

Paragraph 8–11 : Records and offence

141. This provision places a duty on the police and Army to make a written record of searches conducted under Schedule 10; and it makes it an offence to fail to comply with any requirement on the restriction of movement of persons during a search; to wilfully obstruct or seek to frustrate the object of such a search; and to fail to stop when required to do so.