

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10: Police Powers

MOD and transport police

Section 100 Jurisdiction of transport police

251. This section permits British Transport Police (“BTP”) officers to act outside their normal railways jurisdiction. These measures are to improve the effectiveness of the BTP by enabling it to play a full role in protecting the public from terrorism and other crimes.
252. The BTP’s railways jurisdiction gives its officers the powers and privileges of a constable on, and in the vicinity of, the railways and elsewhere on railways matters. However they need to move between railway sites and often have a presence in city centres. BTP officers are frequently called upon to intervene outside their ‘railways’ jurisdiction and it is estimated that some such 8,000 incidents occur each year. In these circumstances BTP officers previously only had the powers of an ordinary citizen, despite being police officers fully trained to the standards of a local police force, and routinely dealing with the same range of incidents in the course of their railway activities.
253. *Subsection (1)* allows a BTP officer to assist a member of a local police force, the MDP or the UK Atomic Energy Authority Constabulary (“UKAEAC”) when assistance is requested by a constable of one of those forces. The BTP officer can only assist in relation to a specific incident, investigation or operation but will have the same powers and privileges as a constable of the requesting police force. This is to avoid confusion, so that there will be no difference in the powers available to the BTP officer on such an occasion and an officer from the other force whom he is assisting.
254. *Subsection (2)* allows a BTP officer to intervene if he reasonably believes that an offence has been, is being committed or is about to be committed; or to prevent injury or save life. In these circumstances the BTP officer will have the same powers and privileges as an officer of a local police force. A BTP officer can only act under *subsection (2)* if he satisfies the requirements of *subsection (3)*.
255. *Subsection (3)* sets out the circumstances in which a BTP officer can act under *subsection (2)*. He must be able to show evidence that he is a BTP officer, i.e. be in uniform or have documentary proof, such as his warrant card. In addition, he can only act if he reasonably believes that waiting for a request for assistance from the police force with primary jurisdiction (i.e. the local police force, MDP or UKAEAC) or waiting for a constable of one of those forces to act, would frustrate or seriously prejudice the purpose of his intended action.