

Status: Point in time view as at 31/07/2014.

Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, Cross Heading: Powers to search persons is up to date with all changes known to be in force on or before 26 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

PORT AND BORDER CONTROLS

Powers to search persons

3 In paragraph 8 of Schedule 7 to the Terrorism Act 2000, after sub-paragraph (3) there is inserted—

“(4) An intimate search of a person may not be carried out under this paragraph.

(5) A strip search of a person may not be carried out under this paragraph unless—

- (a) the person is detained under paragraph 6,
- (b) the examining officer has reasonable grounds to suspect that the person is concealing something which may be evidence that the person falls within section 40(1)(b), and
- (c) the search is authorised by a senior officer who has not been directly involved in questioning the person.

(6) “Senior officer” means—

- (a) where the examining officer is a constable, a constable of a higher rank than the examining officer,
- (b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
- (c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.

(7) In this paragraph—

“intimate search” means a search which consists of a physical examination of a person's body orifices other than the mouth;

“strip search” means a search which is not an intimate search but involves the removal of an article of clothing which—

- (a) is being worn wholly or partly on the trunk, and
- (b) is being so worn either next to the skin or next to an article of underwear.”

Commencement Information

II Sch. 9 para. 3 in force at 31.7.2014 by S.I. 2014/1916, art. 3(b)

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