



Prevention of Terrorism (Additional Powers) Act 1996

CHAPTER 7

ARRANGEMENT OF SECTIONS

Section

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SCHEDULE:

New Schedule 6A to the 1989 Act.



Prevention of Terrorism (Additional Powers) Act 1996

1996 CHAPTER 7

An Act to extend powers of search in connection with acts of terrorism and terrorist investigations; confer powers on constables in relation to areas on which police cordons are imposed in connection with terrorist investigations; and confer powers in connection with the prevention of acts of terrorism to impose prohibitions and restrictions in relation to vehicles on roads. [3rd April 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In the 1989 Act insert, after section 13A—

“Power to stop
and search
pedestrians.

13B.—(1) Where it appears to a police officer of the rank mentioned in subsection (1)(a), (b) or (as the case may be) (c) of section 13A above that it is expedient to do so in order to prevent acts of terrorism to which that section applies, he may give an authorisation that the powers to stop and search persons conferred by this section shall be exercisable at any place within his area or a locality in his area which is specified in the authorisation.

Power to stop and
search
pedestrians.

(2) This section confers on any constable in uniform power to stop any pedestrian and search him, or anything carried by him, for articles of a kind which could be used for a purpose connected with the commission, preparation or instigation of such acts of terrorism.

(3) A constable may exercise his powers under this section whether or not he has any grounds for suspecting the presence of articles of that kind.

(4) Nothing in this section authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.

(5) A person is guilty of an offence if he—

- (a) fails to stop when required to do so by a constable in the exercise of his powers under this section; or
- (b) wilfully obstructs a constable in the exercise of those powers.

(6) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

(7) An authorisation under this section may be given in writing or orally but if given orally must be confirmed in writing by the person giving it as soon as is reasonably practicable.

(8) A person giving an authorisation under this section must cause the Secretary of State to be informed, as soon as is reasonably practicable, that it was given.

(9) An authorisation under this section—

- (a) may be cancelled by the Secretary of State with effect from such time as he may direct;
- (b) ceases to have effect if it is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it was given; but
- (c) if confirmed, continues in force—
 - (i) for such period, not exceeding 28 days beginning with the day on which it was given, as may be specified in the authorisation; or
 - (ii) for such shorter period as the Secretary of State may direct.

(10) If a person is stopped by a constable under this section, he shall be entitled to obtain a written statement that he was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which he was stopped.”.

(2) Section 13A of the 1989 Act (powers to stop and search vehicles etc. and persons carrying things) is amended as follows.

(3) Subsection (3)(c) (power to stop and search pedestrians) is repealed and, in consequence, the following words are also repealed—

- (a) in subsection (6)(a), “or (as the case may be) to stop”; and
- (b) in subsection (9), “and similarly as respects a pedestrian who is stopped under this section for a search of anything carried by him”.

(4) For subsection (4) substitute—

“(4) A constable may exercise his powers under this section whether or not he has any grounds for suspecting the presence of articles of that kind.

(4A) Nothing in this section authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.”

(5) In subsection (8) for “specified” substitute “mentioned”.

(6) For subsection (10) substitute—

“(10) An authorisation under this section may be given in writing or orally but if given orally must be confirmed in writing by the person giving it as soon as is reasonably practicable.

(10A) In this section “specified” means specified in an authorisation under this section.”

(7) In subsection (1)(a) for “area” substitute “district”.

2.—(1) Schedule 7 to the 1989 Act (terrorist investigations) is amended as follows.

Searches of non-residential premises.

(2) After paragraph 2 insert—

“Search of non-residential premises

2A.—(1) A justice of the peace may, on an application made by a police officer of at least the rank of superintendent, issue a warrant under this paragraph if satisfied that a terrorist investigation is being carried out and that there are reasonable grounds for believing—

- (a) that there is material which is likely to be of substantial value (whether by itself or together with other material) to the investigation to be found on one or more of the premises specified in the application; and
- (b) that the material does not consist of or include items subject to legal privilege, excluded material or special procedure material.

(2) The officer making an application under this paragraph may not include in the premises specified in the application any which he has reasonable cause to believe are used wholly or mainly as a dwelling.

(3) A warrant under this paragraph shall authorise a constable to enter any of the premises specified in the warrant and to search the premises and any person found there and to seize and retain anything found there or on any such person, other than an item subject to legal privilege, if he has reasonable grounds for believing—

- (a) that it is likely to be of substantial value (whether by itself or together with other material) to the investigation; and
- (b) that it is necessary to seize it in order to prevent it from being concealed, lost, damaged, altered or destroyed.

(4) Entry and search under a warrant issued under this paragraph must be within 24 hours from the time when the warrant is issued.”

(3) In paragraph 6(1) (power of Circuit judge to order person to provide an explanation of material seized in pursuance of a warrant under paragraph 2 or 5), after “2” insert “, 2A”.

(4) In paragraph 7(1), (power of police officer of at least the rank of superintendent, in cases of great urgency, to give constable the authority given by a search warrant under paragraph 2 or 5), after “2” insert “, 2A”.

(5) After paragraph 11 insert—

“Search of non-residential premises

11A.—(1) A procurator fiscal may, for the purposes of a terrorist investigation, apply to a sheriff for a warrant under this paragraph in relation to two or more premises specified in the application.

(2) A procurator fiscal making an application under this paragraph may not include in the premises so specified any which he has reasonable cause to believe are used wholly or mainly as a dwelling.

(3) On such an application a sheriff may issue a warrant authorising a constable to enter and search the premises specified in the application if the sheriff is satisfied that—

- (a) a terrorist investigation is being carried out; and
- (b) there are reasonable grounds for believing that there is material which is likely to be of substantial value (whether by itself or together with other material) to the investigation to be found on one or more of those premises.

(4) A warrant under this paragraph shall authorise a constable to enter any of the premises specified in the warrant and to search those premises and any person found there and to seize and retain any material found there or on any such person, if he has reasonable grounds for believing that—

- (a) it is likely to be of substantial value (whether by itself or together with any other material) to the investigation; and
- (b) it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

(5) Entry and search under a warrant issued under this paragraph must be within 24 hours from the time when the warrant is issued.

(6) A warrant issued under this paragraph may authorise persons named in the warrant to accompany a constable who is executing it.”.

(6) In paragraph 15(1) (power of sheriff to order explanation of material produced to or seized by a constable) after second “paragraph” insert “11A or”.

(7) In paragraph 16(1) (power of police officer of at least the rank of superintendent, in cases of great urgency, to give constable authority given by search warrant under paragraph 14) after “paragraph” insert “11A or”.

(8) In paragraph 17(2) (power of constable acting under this Schedule to open lockfast places) after second “paragraph” insert “11A or”.

3.—(1) In Schedule 5 to the 1989 Act (port and border controls) insert, after paragraph 4—

Searches of
unaccompanied
goods.

“Powers to search goods

4A.—(1) For the purpose of determining whether they are or have been involved in the commission, preparation or instigation of acts of terrorism to which paragraph 2 above applies, an examining officer may search any goods which have arrived in or are about to leave Great Britain or Northern Ireland on any ship, aircraft or vehicle.

(2) An examining officer may board any ship or aircraft or enter any vehicle for the purpose of determining whether there are goods on the ship, aircraft or vehicle in respect of which he may wish to exercise his power of search.

(3) Where an examining officer has power to search under this paragraph, he may, instead, authorise a search to be carried out on his behalf by a person who is not an examining officer.

(4) Where a person who is not an examining officer is authorised to carry out a search in accordance with sub-paragraph (3) above he may—

- (a) board any ship or aircraft or enter any vehicle for the purpose of determining whether there are goods on the ship, aircraft or vehicle in respect of which he may wish to exercise his power of search; and
- (b) if necessary, use reasonable force for the purpose of carrying out his functions under this paragraph.

(5) In Scotland any person employed by a police authority for the assistance of constables under section 9 of the Police (Scotland) Act 1967 may perform any functions conferred on examining officers by this paragraph, and may, if necessary, use reasonable force for the purpose of performing those functions. 1967 c. 77.

(6) Any person carrying out a search under this paragraph may, for the purpose of examining it, detain for a period not exceeding seven days anything found on the search.

(7) If, on examining anything so found, the person examining it is of the opinion that it may be needed for use as evidence in criminal proceedings he may detain it until he is satisfied that it will not be so needed.

(8) In this paragraph “goods” includes—

- (a) stores,
 - (b) baggage,
 - (c) substances, whether natural or manufactured, and whether or not incorporated in or mixed with other goods, and
 - (d) in relation to Scotland, also all corporeal moveables,
- and any transport container or other container in which goods may be placed.”

(2) In paragraph 11 of Schedule 5 to the 1989 Act (offences), after “this Schedule” insert “, or otherwise wilfully obstructs, or seeks to frustrate the object of, a search under this Schedule.”

(3) In section 16(1) of that Act (scope of Schedule 5), after “persons” insert “or goods”.

Police cordons.

4.—(1) In the 1989 Act insert, after section 16B—

“PART IVB

CORDONS AND PROTECTIVE POWERS

Power to impose a police cordon.

16C.—(1) If it appears to a police officer of at least the rank of superintendent that it is expedient to do so in connection with an investigation into the commission, preparation or instigation of an act of terrorism to which this section applies, he may authorise a cordon to be imposed on an area specified by him in the authorisation.

(2) If it appears to a constable below the rank of superintendent that it is necessary for him to do so as a matter of great urgency, he may exercise the power given to a superintendent by subsection (1) above.

(3) The acts of terrorism to which this section applies are—

- (a) acts of terrorism connected with the affairs of Northern Ireland; and
- (b) acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.

(4) The powers that may be exercised within an area on which a cordon has been imposed under this section are set out in Schedule 6A to this Act.

(5) Schedule 6A also makes further provision with respect to cordoned areas.”

(2) The new Schedule 6A to the 1989 Act is inserted by the Schedule to this Act.

Parking prohibitions and restrictions and the removal of vehicles.

5. In Part IVB of the 1989 Act insert, after section 16C—

“Parking prohibitions and restrictions and the removal of vehicles.

16D.—(1) If it appears to an appropriate officer that it is expedient to do so in order to prevent acts of terrorism to which section 16C above applies he may give an authorisation for the purposes of this section.

(2) An authorisation—

- (a) may be given in writing or orally but if given orally must be confirmed in writing by the person giving it as soon as is reasonably practicable; and
- (b) has effect—
 - (i) in relation to such roads, or parts of roads, as may be specified; and
 - (ii) for such period, not exceeding 28 days, as may be specified.

(3) Only roads, or parts of roads, which are within the police area of the officer giving the authorisation may be specified.

(4) An authorisation gives any constable power to prohibit or restrict the leaving of vehicles, or their remaining at rest, on any specified road, or part of a road.

(5) The power conferred by subsection (4) above is to be exercised by placing the appropriate traffic sign on, or on any structure which is on, the road or part of the road concerned.

(6) If the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed under subsection (4) above fails to move the vehicle when ordered to do so by a constable in uniform, he is guilty of an offence.

(7) A person is guilty of an offence if he leaves a vehicle, or permits a vehicle to remain at rest, on a road in contravention of a prohibition or restriction imposed under this section.

(8) It is a defence for any person charged with an offence under this section to prove that he had lawful authority or some other reasonable excuse for the act or omission in question.

(9) A person guilty of an offence under subsection (6) above is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

(10) A person guilty of an offence under subsection (7) above is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) If it appears to an appropriate officer that the exercise of the powers conferred by this section ought to continue beyond the period for which their exercise has been authorised under this section he may, from time to time, authorise the exercise of those powers for a further period, not exceeding 28 days.

(12) The fact that a person has a current disabled person's badge does not—

- (a) exempt him from any prohibition or restriction imposed under this section; or
- (b) constitute lawful authority, or a reasonable excuse, for failing to comply with any order given under this section.

(13) In this section—

“appropriate officer” means—

- (a) any police officer of or above the rank of commander of the metropolitan police, as respects the metropolitan police district;

(b) any police officer of or above the rank of commander of the City of London police, as respects the City of London; or

(c) any police officer of or above the rank of assistant chief constable of a force maintained for any other police area;

“authorisation” means an authorisation given under this section;

1984 c. 27.

“disabled person’s badge” has the same meaning as in section 142 of the Road Traffic Regulation Act 1984;

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

1988 c. 52.

“road” has the same meaning as in the Road Traffic Act 1988;

“specified” means specified in an authorisation;

“traffic sign” has the meaning given in section 142(1) of the Road Traffic Regulation Act 1984; and

“vehicle” has the same meaning as in section 99(5) of the Act of 1984.

(14) A constable exercising powers under this section may suspend a parking place; and any such suspension is to be treated for the purposes of section 99 of the Act of 1984 (removal of vehicles illegally parked etc.), and any regulations in force under that section, as a restriction imposed under this section.

(15) The powers conferred by this section are additional to any other powers which a constable has either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.”

Consent to prosecutions.

6. In section 19(1) of the 1989 Act (proceedings to be instituted in England and Wales only with consent), in paragraph (aa) (consent of Director of Public Prosecutions required in England and Wales)—

(a) after “13A”, insert “13B”; and

(b) for “or 16B” substitute “16B or 16D or under Schedule 6A”.

Short title, interpretation and extent etc.
1989 c. 4.

7.—(1) This Act may be cited as the Prevention of Terrorism (Additional Powers) Act 1996.

(2) In this Act “the 1989 Act” means the Prevention of Terrorism (Temporary Provisions) Act 1989.

(3) Section 3 and this section extend to the United Kingdom.

(4) Paragraph 7 of the Schedule inserted in the 1989 Act by the Schedule to this Act extends only to England and Wales.

(5) Paragraph 8 of the Schedule so inserted extends only to Scotland.

(6) Otherwise, the provisions of this Act extend only to Great Britain.

(7) In section 28(2) of the 1989 Act (extent of Act)—

(a) in paragraph (a) (provisions not extending to Northern Ireland)—

(i) after “13A”, insert “13B”; and

(ii) for “Part IVA” substitute “Parts IVA and IVB”;

(b) in paragraph (b) (provisions extending only to England and Wales), the first “and” is repealed and after “Schedule 5” insert “, paragraph 7 of Schedule 6A and paragraph 2A of Schedule 7”;

(c) in paragraph (c) (provisions extending only to Scotland), after “Schedule 4” insert “, paragraph 8 of Schedule 6A”; and

(d) in paragraph (d) (provisions extending only to England and Wales and Northern Ireland) after “Schedule 7” insert “except paragraph 2A”.

(8) For the purposes of section 27 of the 1989 Act, any amendments made in that Act by a provision of this Act shall be treated as having been continued in force by the order under subsection (6) of that section which has effect at the time when this Act is passed.

SCHEDULE

NEW SCHEDULE 6A TO THE 1989 ACT

In the 1989 Act insert, after Schedule 6—

“SCHEDULE 6A

POLICE CORDONS

1. In this Schedule—

“authorisation” means an authorisation given under section 16C of this Act;

“cordoned area” means an area on which a cordon has been imposed by an authorisation which remains in force;

“police tape” means any plastic or other tape which is generally used by the police force concerned to indicate an area to which members of the public should not attempt to gain access;

“terrorist investigation” means any investigation to which section 17(1) of this Act applies.

Authorisation

2.—(1) Authorisation may be given in writing or orally but if given orally must be confirmed in writing by the person giving it as soon as is reasonably practicable.

(2) A constable who gives an authorisation by virtue of section 16C(2) above must, as soon as is reasonably practicable—

- (a) make a written record of the time at which he gave it; and
- (b) cause a police officer of at least the rank of superintendent to be informed that it was given.

(3) An officer to whom such a report is made may give a direction in writing—

- (a) confirming the authorisation; or
- (b) if he considers that it should not be confirmed, cancelling it.

(4) If a direction is given under sub-paragraph (3)(b), the officer giving it must record in writing—

- (a) the fact that the authorisation was given; and
- (b) the reason for giving it.

Area on which cordon is imposed

3.—(1) An authorisation must specify the area on which the cordon is being imposed.

(2) That area must be within the police area of the person giving the authorisation.

Period for which cordon is imposed

4.—(1) An authorisation must specify the period for which it will be in force.

(2) The period initially specified must not exceed 14 days.

(3) The specified period may be extended by one or more written variations made by an officer of at least the rank of superintendent.

(4) The overall period for which an authorisation is in force must not exceed 28 days.

Marking the area

5. The area on which a cordon is imposed must, so far as is reasonably practicable, be indicated by means of police tape or in such other manner as appears to the police officer responsible for carrying out the arrangements for applying the cordon to be appropriate.

Police powers in cordoned area

6.—(1) A person who is in a cordoned area must immediately leave the area if ordered to do so by a constable in uniform.

(2) A person who is on any premises which abut or are wholly or partly within a cordoned area must immediately leave the premises if ordered to do so by a constable in uniform.

(3) The driver or other person in charge of a vehicle which is in a cordoned area must immediately move the vehicle from the area if ordered to do so by a constable in uniform.

(4) A constable may—

- (a) remove from a cordoned area any vehicle which is in that area; or
- (b) move any such vehicle to another place within that area.

(5) A constable in uniform may prohibit or restrict any vehicular or pedestrian access to a cordoned area.

Powers of search in cordoned area: England and Wales

7.—(1) If a police officer of at least the rank of superintendent has reasonable grounds for believing—

- (a) that there is material which is likely to be of substantial value (whether by itself or together with other material) to a terrorist investigation to be found on premises which are wholly or partly within a cordoned area, and
- (b) that the material does not consist of or include items subject to legal privilege, excluded material or special procedure material,

he may give written authority for a search of the premises.

(2) If written authority is given under this paragraph, a constable may enter the premises specified in the authority, search the premises and any person found there and seize and retain anything found there or on any such person, other than items subject to legal privilege, if he has reasonable grounds for believing—

- (a) that it is likely to be of substantial value (whether by itself or together with other material) to the investigation; and
- (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Entry and search under an authority given under this paragraph may be at any time (and on more than one occasion) while the area concerned is a cordoned area.

(4) Nothing in this paragraph authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.

(5) Any power of seizure conferred by this Schedule is without prejudice to the powers conferred by section 19 of the Police and Criminal Evidence Act 1984 and for the purposes of sections 21 and 22 of that Act (access to, and copying and retention of, seized material), a terrorist investigation is to be treated as an investigation of or in connection with an offence.

SCH.

1984 c. 60.

(6) In this paragraph “items subject to legal privilege”, “excluded material” and “special procedure material” have the meaning given in sections 10 to 14 of the Police and Criminal Evidence Act 1984.

Powers of search in cordoned areas: Scotland

8.—(1) If a police officer of at least the rank of superintendent has reasonable grounds for believing that there is material which is likely to be of substantial value (whether by itself or together with other material) to a terrorist investigation to be found on premises which are wholly or partly within a cordoned area, he may give written authority for a search of the premises.

(2) If written authority is given under this paragraph, a constable may enter the premises specified in the authority, search the premises and any person found there and seize and retain anything found there or on any such person if he has reasonable grounds for believing that it is such material as is mentioned in subparagraph (1) above and that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Under an authority given under this paragraph a constable may—

- (a) enter and search the premises specified in the authority at any time (and on more than one occasion) while the area concerned is a cordoned area; and
- (b) if necessary, for the purpose of the exercise of his powers under subparagraph (2) above, open lockfast places on such premises.

(4) Nothing in this paragraph authorises a constable to require a person to remove any of his clothing in public other than any headgear, footwear, outer coat, jacket or gloves.

(5) Nothing in this paragraph shall prejudice any rule of law whereby—

- (a) communications between a professional legal adviser and his client, or
- (b) communications made in connection with or in contemplation of legal proceedings and for the purpose of those proceedings,

are in legal proceedings protected from disclosure on grounds of confidentiality.

Offences

9.—(1) A person who—

- (a) fails to comply with an order given under paragraph 6(1), (2) or (3) above,
- (b) contravenes a prohibition or restriction imposed under paragraph 6(5) above, or
- (c) wilfully obstructs a constable in the execution of his duty under paragraph 6 above,

is guilty of an offence.

(2) A person who wilfully obstructs, or seeks to frustrate the object of, a search under paragraph 7 or 8 above, is guilty of an offence.

(3) It is a defence for a person charged with an offence under subparagraph (1)(a) or (b) above to prove that he had lawful authority or some other reasonable excuse for the failure or contravention.

(4) A person who is guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or both.

SCH.

Powers to be in addition to other powers

10. The powers conferred by this Schedule are additional to any other powers which a constable has either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.”

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