



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Searches etc.*

#### **28 Search, seizure and forfeiture of terrorist publications**

- (1) If a justice of the peace is satisfied that there are reasonable grounds for suspecting that articles to which this section applies are likely to be found on any premises, he may issue a warrant authorising a constable—
  - (a) to enter and search the premises; and
  - (b) to seize anything found there which the constable has reason to believe is such an article.
- (2) This section applies to an article if—
  - (a) it is likely to be the subject of conduct falling within subsection (2)(a) to (e) of section 2; and
  - (b) it would fall for the purposes of that section to be treated, in the context of the conduct to which it is likely to be subject, as a terrorist publication.
- (3) A person exercising a power conferred by a warrant under this section may use such force as is reasonable in the circumstances for exercising that power.
- (4) An article seized under the authority of a warrant issued under this section—
  - (a) may be removed by a constable to such place as he thinks fit; and
  - (b) must be retained there in the custody of a constable until returned or otherwise disposed of in accordance with this Act.
- (5) An article to which this section applies which is seized under the authority of a warrant issued under this section on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland—
  - (a) shall be liable to forfeiture; and

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*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Section 28. (See end of Document for details)*

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- (b) if forfeited, may be destroyed or otherwise disposed of by a constable in whatever manner he thinks fit.
- (6) In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers which relate to the seizure of property in bulk)—
- (a) in Part 1, at the end insert—
- “73H      The power of seizure conferred by section 28 of the Terrorism Act 2006.”
- (b) in Part 3, at the end insert—
- “113      The power of seizure conferred by section 28 of the Terrorism Act 2006.”
- (7) Nothing in—
- (a) the Police (Property) Act 1897 (c. 30) (property seized in the investigation of an offence), or
- (b) section 31 of the Police (Northern Ireland) Act 1998 (c. 32) (which makes similar provision in Northern Ireland),
- applies to an article seized under the authority of a warrant under this section.
- (8) Schedule 2 (which makes provision about the forfeiture of articles to which this section applies) has effect.
- (9) In this section—
- “article” has the same meaning as in Part 1 of this Act;
- “forfeited” means treated or condemned as forfeited under Schedule 2, and “forfeiture” is to be construed accordingly;
- “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60) (see section 23 of that Act).
- (10) In the application of this section to Scotland—
- (a) in subsection (1), for the words from the beginning to “satisfied” substitute “If a sheriff, on the application of a procurator fiscal, is satisfied”;
- (b) in subsection (5) omit “on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland”;
- (c) in subsection (9), for the definition of “premises” substitute—
- “‘premises’ has the same meaning as in the Terrorism Act 2000 (c. 11) (see section 121 of that Act).”

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**Commencement Information**

**II**    S. 28 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Act 2006, Section 28.