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# Terrorism Act 2000

## 2000 CHAPTER 11

### PART VII

#### NORTHERN IRELAND

VALID FROM 19/02/2001

#### *Powers of arrest, search, &c.*

#### **81 Arrest of suspected terrorists: power of entry.**

A constable may enter and search any premises if he reasonably suspects that a terrorist, within the meaning of section 40(1)(b), is to be found there.

#### **82 Arrest and seizure: constables.**

- (1) A constable may arrest without warrant any person if he reasonably suspects that the person is committing, has committed or is about to commit—
  - (a) a scheduled offence, or
  - (b) a non-scheduled offence under this Act.
- (2) For the purpose of arresting a person under this section a constable may enter and search any premises where the person is or where the constable reasonably suspects him to be.
- (3) A constable may seize and retain anything if he reasonably suspects that it is, has been or is intended to be used in the commission of—
  - (a) a scheduled offence, or
  - (b) a non-scheduled offence under this Act.

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#### Modifications etc. (not altering text)

- C1** S. 82(3): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 70; S.I. 2003/708, **art. 2**

### 83 Arrest and seizure: armed forces.

- (1) If a member of Her Majesty's forces on duty reasonably suspects that a person is committing, has committed or is about to commit any offence he may—
  - (a) arrest the person without warrant, and
  - (b) detain him for a period not exceeding four hours.
- (2) A person making an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is making the arrest as a member of Her Majesty's forces.
- (3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises where the person is.
- (4) If a member of Her Majesty's forces reasonably suspects that a person—
  - (a) is a terrorist (within the meaning of Part V), or
  - (b) has committed an offence involving the use or possession of an explosive or firearm,
 he may enter and search any premises where he reasonably suspects the person to be for the purpose of arresting him under this section.
- (5) A member of Her Majesty's forces may seize, and detain for a period not exceeding four hours, anything which he reasonably suspects is being, has been or is intended to be used in the commission of an offence under section 93 or 94.
- (6) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the <sup>M1</sup>Human Rights Act 1998.

#### Marginal Citations

- M1** 1998 c. 42.

### 84 Munitions and transmitters.

Schedule 10 (which confers power to search for munitions and transmitters) shall have effect.

### 85 Explosives inspectors.

- (1) An explosives inspector may enter and search any premises for the purpose of ascertaining whether any explosive is unlawfully there.
- (2) The power under subsection (1) may not be exercised in relation to a dwelling.
- (3) An explosives inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive unlawfully with him.

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- (4) An explosives inspector—
- (a) may seize any explosive found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose, and
  - (b) may retain and, if necessary, destroy it.
- (5) In this section “explosives inspector” means an inspector appointed under section 53 of the <sup>M2</sup>Explosives Act 1875.

#### Marginal Citations

M2 1875 c. 17.

### 86 Unlawfully detained persons.

- (1) If an officer reasonably believes that a person is unlawfully detained in such circumstances that his life is in danger, the officer may enter any premises for the purpose of ascertaining whether the person is detained there.
- (2) In this section “officer” means—
- (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.
- (3) A dwelling may be entered under subsection (1) only by—
- (a) a member of Her Majesty’s forces authorised for the purpose by a commissioned officer of those forces, or
  - (b) a constable authorised for the purpose by an officer of the Royal Ulster Constabulary of at least the rank of inspector.

### 87 Examination of documents.

- (1) A member of Her Majesty’s forces or a constable who performs a search under a provision of this Part—
- (a) may examine any document or record found in order to ascertain whether it contains information of the kind mentioned in section 58(1)(a) or 103(1)(a), and
  - (b) if necessary or expedient for the purpose of paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.
- (2) Subsection (1) shall not permit a person to examine a document or record if he has reasonable cause to believe that it is an item subject to legal privilege (within the meaning of the <sup>M3</sup>Police and Criminal Evidence (Northern Ireland) Order 1989).
- (3) Subject to subsections (4) and (5), a document or record may not be retained by virtue of subsection (1)(b) for more than 48 hours.
- (4) An officer of the Royal Ulster Constabulary who is of at least the rank of chief inspector may authorise a constable to retain a document or record for a further period or periods.

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- (5) Subsection (4) does not permit the retention of a document or record after the end of the period of 96 hours beginning with the time when it was removed for examination under subsection (1)(b).
- (6) A person who wilfully obstructs a member of Her Majesty's forces or a constable in the exercise of a power conferred by this section commits an offence.
- (7) A person guilty of an offence under subsection (6) shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

#### Marginal Citations

M3 [S.I. 1989/1341 \(N.I. 12\)](#).

### 88 Examination of documents: procedure.

- (1) Where a document or record is examined under section 87—
  - (a) it shall not be photographed or copied, and
  - (b) the person who examines it shall make a written record of the examination as soon as is reasonably practicable.
- (2) The record shall—
  - (a) describe the document or record,
  - (b) specify the object of the examination,
  - (c) state the address of the premises where the document or record was found,
  - (d) where the document or record was found in the course of a search of a person, state the person's name,
  - (e) where the document or record was found in the course of a search of any premises, state the name of a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found,
  - (f) where the document or record is removed for examination from the place where it was found, state the date and time when it was removed, and
  - (g) where the document or record was examined at the place where it was found, state the date and time of examination.
- (3) The record shall identify the person by whom the examination was carried out—
  - (a) in the case of a constable, by reference to his police number, and
  - (b) in the case of a member of Her Majesty's forces, by reference to his service number, rank and regiment.
- (4) Where a person makes a record of a search in accordance with this section, he shall as soon as is reasonably practicable supply a copy—
  - (a) in a case where the document or record was found in the course of a search of a person, to that person, and
  - (b) in a case where the document or record was found in the course of a search of any premises, to a person appearing to the person making the record to

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be the occupier of the premises or to have had custody or control of the document or record when it was found.

#### **89 Power to stop and question.**

- (1) An officer may stop a person for so long as is necessary to question him to ascertain—
  - (a) his identity and movements;
  - (b) what he knows about a recent explosion or another recent incident endangering life;
  - (c) what he knows about a person killed or injured in a recent explosion or incident.
- (2) A person commits an offence if he—
  - (a) fails to stop when required to do so under this section,
  - (b) refuses to answer a question addressed to him under this section, or
  - (c) fails to answer to the best of his knowledge and ability a question addressed to him under this section.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) In this section “officer” means—
  - (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.

#### **90 Power of entry.**

- (1) An officer may enter any premises if he considers it necessary in the course of operations for the preservation of the peace or the maintenance of order.
- (2) In this section “officer” means—
  - (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.

#### **91 Taking possession of land, &c.**

If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order, he may authorise a person—

- (a) to take possession of land or other property;
- (b) to take steps to place buildings or other structures in a state of defence;
- (c) to detain property or cause it to be destroyed or moved;
- (d) to carry out works on land of which possession has been taken by virtue of this section;
- (e) to take any other action which interferes with a public right or with a private right of property.

#### **92 Road closure: permission.**

- (1) If he considers it immediately necessary for the preservation of the peace or the maintenance of order, an officer may—
  - (a) wholly or partly close a road;

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- (b) divert or otherwise interfere with a road or the use of a road;
- (c) prohibit or restrict the exercise of a right of way;
- (d) prohibit or restrict the use of a waterway.

(2) In this section “officer” means—

- (a) a member of Her Majesty’s forces on duty,
- (b) a constable, or
- (c) a person authorised for the purposes of this section by the Secretary of State.

### **93 Sections 91 and 92: supplementary.**

(1) A person commits an offence if he interferes with—

- (a) works executed in connection with the exercise of powers conferred by virtue of section 91 or 92, or
- (b) any apparatus, equipment or other thing used in connection with the exercise of those powers.

(2) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his interference.

(3) A person guilty of an offence under this section shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(4) An authorisation to exercise powers under section 91 or 92 may authorise—

- (a) the exercise of all those powers, or
- (b) the exercise of a specified power or class of powers.

(5) An authorisation to exercise powers under section 91 or 92 may be addressed—

- (a) to specified persons, or
- (b) to persons of a specified class.

#### **Modifications etc. (not altering text)**

**C2** [S. 93](#): power to continue conferred (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), ss. {4(2)(d)}, 5(3)

### **94 Road closure: direction.**

(1) If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order he may by order direct that a specified road—

- (a) shall be wholly closed,
- (b) shall be closed to a specified extent, or
- (c) shall be diverted in a specified manner.

(2) A person commits an offence if he interferes with—

- (a) road closure works, or
- (b) road closure equipment.

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- (3) A person commits an offence if—
- (a) he executes any bypass works within 200 metres of road closure works,
  - (b) he has in his possession or under his control, within 200 metres of road closure works, materials or equipment suitable for executing bypass works, or
  - (c) he knowingly permits on land occupied by him the doing or occurrence of anything which is an offence under paragraph (a) or (b).
- (4) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action, possession, control or permission.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (6) In this section—
- “bypass works” means works which facilitate the bypassing by vehicles of road closure works,
  - “road closure equipment” means any apparatus, equipment or other thing used in pursuance of an order under this section in connection with the closure or diversion of a road, and
  - “road closure works” means works executed in connection with the closure or diversion of a road specified in an order under this section (whether executed in pursuance of the order or in pursuance of power under an enactment to close or divert the road).

## **95 Sections 81 to 94: supplementary.**

- (1) This section applies in relation to sections 81 to 94.
- (2) A power to enter premises may be exercised by reasonable force if necessary.
- (3) A power to search premises shall, in its application to vehicles (by virtue of section 121), be taken to include—
- (a) power to stop a vehicle (other than an aircraft which is airborne), and
  - (b) power to take a vehicle or cause it to be taken, where necessary or expedient, to any place for the purpose of carrying out the search.
- (4) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (6) In the application to a place or vehicle (by virtue of section 121) of a power to search premises—



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- (a) a reference to the address of the premises shall be construed as a reference to the location of the place or vehicle together with its registration number (if any), and
  - (b) a reference to the occupier of the premises shall be construed as a reference to the occupier of the place or the person in charge of the vehicle.
- (7) Where a search is carried out under Schedule 10 in relation to a vehicle (by virtue of section 121), the person carrying out the search may, if he reasonably believes that it is necessary in order to carry out the search or to prevent it from being frustrated—
- (a) require a person in or on the vehicle to remain with it;
  - (b) require a person in or on the vehicle to go to and remain at any place to which the vehicle is taken by virtue of subsection (3)(b);
  - (c) use reasonable force to secure compliance with a requirement under paragraph (a) or (b) above.
- (8) Paragraphs 4(2) and (3), 8 and 9 of Schedule 10 shall apply to a requirement imposed under subsection (7) as they apply to a requirement imposed under that Schedule.
- (9) Paragraph 8 of Schedule 10 shall apply in relation to the search of a vehicle which is not habitually stationary only if it is moved for the purpose of the search by virtue of subsection (3)(b); and where that paragraph does apply, the reference to the address of the premises shall be construed as a reference to the location where the vehicle is searched together with its registration number (if any).
- (10) A member of Her Majesty's forces exercising any power when he is not in uniform shall, if requested to do so by any person at or about the time of exercising the power, produce to that person documentary evidence that he is a member of Her Majesty's Forces.



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