



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 1

POWERS TO GATHER AND SHARE INFORMATION

Power to remove documents for examination

PROSPECTIVE

1 Power to remove documents for examination

- (1) This section applies to a search under any of the following provisions—
- (a) section 43(1) of the Terrorism Act 2000 (c. 11) (search of suspected terrorist);
 - (b) section 43(2) of that Act (search of person arrested under section 41 on suspicion of being a terrorist);
 - [^{F1}(ba) section 43(4B) of that Act (search of vehicle in relation to suspected terrorist);
 - (bb) section 43A of that Act (search of vehicle suspected of being used for the purposes of terrorism);]
 - [^{F2}(bc) section 43C(1) of that Act (search of terrorist offender released on licence);
 - (bd) section 43C(5) of that Act (search of vehicle in connection with search of terrorist offender released on licence);
 - (be) section 43D of that Act (search of premises of offender released on licence for purposes connected with protection from risk of terrorism);]
 - (c) paragraph 1, 3, 11, 15, 28 or 31 of Schedule 5 to that Act (terrorist investigations);
 - (d) section 52(1) or (3)(b) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (search for evidence of commission of weapons-related offences);
 - [^{F3}(e)
 - (f) section 28 of the Terrorism Act 2006 (c. 11) (search for terrorist publications).
 - [^{F4}(g) paragraphs 6, 7, 8 or 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011.]

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 1. (See end of Document for details)

- (2) A constable who carries out a search to which this section applies may, for the purpose of ascertaining whether a document is one that may be seized, remove the document to another place for examination and retain it there until the examination is completed.
- (3) Where a constable carrying out a search to which this section applies has power to remove a document by virtue of this section, and the document—
 - (a) consists of information that is stored in electronic form, and
 - (b) is accessible from the premises being searched,the constable may require the document to be produced in a form in which it can be taken away, and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (4) A constable has the same powers of seizure in relation to a document removed under this section as the constable would have if it had not been removed (and if anything discovered on examination after removal had been discovered without it having been removed).

Textual Amendments

- F1** S. 1(1)(ba)(bb) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 33](#) (with s. 97); [S.I. 2012/1205](#), art. 4(k)
- F2** S. 1(1)(bc)-(be) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(w), [Sch. 19 para. 3](#)
- F3** S. 1(1)(e) omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), [Sch. 7 para. 5\(2\)\(a\)](#) (with Sch. 8)
- F4** S. 1(1)(g) inserted (15.12.2011) by [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), [Sch. 7 para. 5\(2\)\(b\)](#) (with Sch. 8)

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Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 1.