

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Powers to Gather and Share Information

Power to remove documents for examination

Section 6 – Access to documents

28. *Section 6* allows a person referred to in *subsection (3)*, on request, to have supervised access to a document retained under the provisions of section 5 or to be given a copy of such a document (*subsection (2)*). This is subject however to the officer in charge of the investigation (defined in *subsection (5)*) being able to refuse such access or a copy on the grounds set out in *subsection (4)*. The examination of a document under this power might not be part of an investigation into an offence (for example where the document was removed during the search of a terrorist suspect prior to arrest). This explains why the grounds in section 6(4)(a) are required. *Subsection (4)(b)* covers the investigation of an offence - for example the police may believe that providing access to or a copy of the document would tip off a person as to the documentation seized such that other evidence of the offence could be covered up. *Subsection (4)(c)* covers the prejudice of criminal proceedings. The ground in *subsection (4)(d)* is to cover for example a document which the officer has reasonable grounds to believe constitutes information useful to terrorists.