

# PROTECTION OF FREEDOMS ACT 2012

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 4: Counter-terrorism powers**

#### *Schedule 5: Replacement powers to stop and search: Supplementary Provisions*

238. [Schedule 5](#) inserts a new Schedule 6B into the 2000 Act which makes further provision about authorisations and searches in specified areas or places, as created by the new section 47A.
239. Paragraph 1 of new Schedule 6B states that a constable searching a person in public under powers given by the new section 47A, cannot require that person to take off more than headgear, footwear, outer coat, jacket or gloves.
240. [Paragraph 2](#) provides that a person or vehicle can be detained for as long as is reasonably required to search the person or vehicle, at or near to the place where the person or vehicle is stopped.
241. [Paragraph 3](#) places a duty on a senior police officer who has made an authorisation orally under new section 47A, to confirm it in writing as soon as reasonably practicable.
242. [Paragraph 4](#) requires that if a pedestrian or vehicle is stopped under new sections 47A(2) or (3) and the pedestrian or driver of the vehicle requests a statement that they were stopped by virtue of those sections, then a written statement must be provided, as long as it is requested within 12 months of the stop taking place.
243. [Paragraph 5](#) states that an authorisation given under new section 47A has effect from the time it is given and ends at the time or date specified in the authorisation, subject to the following paragraphs of the Schedule.
244. [Paragraph 6](#) provides that individual authorisations cannot be in place for any longer than 14 days.
245. [Paragraph 7](#) places a requirement on the senior police officer who has given an authorisation, to inform the Secretary of State as soon as reasonably practicable (sub-paragraph (1)). If the Secretary of State does not confirm the authorisation within 48 hours, it ceases to have effect (sub-paragraph (2)). If an authorisation is not confirmed, and ceases to have effect by virtue of sub-paragraph (2), it does not affect the lawfulness of anything carried out under the authorisation before it ceased to have effect (sub-paragraph (3)), including searches and seizures. The Secretary of State may amend the authorisation when confirming it, by shortening its duration or limiting the geographical extent of the authorisation (sub-paragraph (4)).
246. [Paragraph 8](#) gives the Secretary of State a power to cancel an authorisation at any time.

*These notes refer to the Protection of Freedoms Act  
2012 (c.9) which received Royal Assent on 1 May 2012*

247. [Paragraph 9](#) confers a power on a senior police officer to cancel an authorisation, shorten its duration or reduce its geographical extent (sub-paragraph (1)). If an authorisation has already been confirmed by the Secretary of State under paragraph 7 when a senior police officer cancels it or amends it, the amended authorisation does not require further confirmation from the Secretary of State (sub-paragraph (2)).
248. [Paragraph 10](#) provides that if an authorisation is given by a senior officer in the Civil Nuclear Constabulary, then the power conferred by the authorisation is only available to members of that Constabulary at times and places where they have the powers and privileges of a constable.
249. [Paragraph 11](#) provides that a new authorisation may be given, regardless of whether a previous authorisation exists, has been cancelled or expired.
250. [Paragraph 12](#) provides that a senior police officer (other than those of the British Transport Police, Ministry of Defence Police or Civil Nuclear Constabulary), may give an authorisation which covers internal waters adjacent to an area or place which is covered by an authorisation, or a place within those internal waters. 'Internal waters' means waters in the United Kingdom which are not part of a police area.
251. [Paragraph 13\(a\)](#) provides that where an authorisation includes more than one area or place, it may specify different end dates for those areas or places, and where it does so, the powers of the Secretary of State or the senior police officer to shorten the duration of the authorisation includes the power to shorten any one or more of those periods. [Paragraph 13\(b\)](#) provides that if an authorisation is given which covers more than one area or place, then the Secretary of State or senior police officer may remove areas or places from the authorisation under their powers to restrict the geographical extent of an authorisation in paragraph 7(4)(b) or 9(1)(c) respectively.
252. [Paragraph 14](#) defines a number of terms used in new Schedule 6B.