

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 1

POWERS

Searches

- 8 (1) An examining officer who questions a person under paragraph 1 may—
- (a) search the person;
 - (b) search anything on a ship or aircraft that the person has with them or which belongs to them;
 - (c) search anything which the person has with them or which belongs to them and which the officer reasonably believes has been, or is about to be, on a ship or aircraft;
 - (d) search a ship or aircraft for anything falling within paragraph (b);
 - (e) search a vehicle which is on a ship or aircraft;
 - (f) search a vehicle which the officer reasonably believes has been, or is about to be, on a ship or aircraft.
- (2) Where an examining officer questions a person in the border area under paragraph 1 the officer may (in addition to the matters specified in sub-paragraph (1))—
- (a) search a vehicle;
 - (b) search anything in or on a vehicle;
 - (c) search anything which the officer reasonably believes has been, or is about to be, in or on a vehicle.
- (3) The powers conferred by sub-paragraphs (1) and (2) are exercisable only for the purposes of determining whether a person is or has been engaged in hostile activity.
- (4) A search of a person under this paragraph—
- (a) must be carried out by somebody of the same sex;
 - (b) does not extend to the carrying out of an intimate search.
- (5) A strip search of a person may not be carried out under this paragraph unless—
- (a) the person is detained under paragraph 4,
 - (b) the examining officer has reasonable grounds to suspect that the person is concealing something which may be evidence that the person is or has been engaged in hostile activity, and
 - (c) the search is authorised by a senior officer who has not been directly involved in the questioning of the person.

Status: This is the original version (as it was originally enacted).

(6) “Senior officer” means—

- (a) where the examining officer is a constable, a constable of a higher rank than the examining officer,
- (b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
- (c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.

(7) In this paragraph—

“intimate search” means a search which consists of a physical examination of a person’s body orifices other than the mouth;

“strip search” means a search which is not an intimate search but involves the removal of an article of clothing which—

- (a) is being worn wholly or partly on the trunk, and
- (b) is being so worn either next to the skin or next to an article of underwear.