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# SCHEDULES

## SCHEDULE 5

## TERRORIST INVESTIGATIONS: INFORMATION

### PART I

### ENGLAND AND WALES AND NORTHERN IRELAND

*Searches*

1 (1) A constable may apply to a justice of the peace for the issue of a warrant under this paragraph for the purposes of a terrorist investigation.

(2) A warrant under this paragraph shall authorise any constable—

(a) to enter **[**[F1]premises mentioned in sub-paragraph (2A)**]** ,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material which is found on a search under paragraph (b).

**[**[F2](2A) The premises referred to in sub-paragraph (2)(a) are—

(a) one or more sets of premises specified in the application (in which case the application is for a "specific premises warrant"); or

(b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an "all premises warrant").**]**

(3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that—

(a) it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation, and

(b) it must be seized in order to prevent it from being concealed, lost, damaged, altered or destroyed.

(4) A warrant under this paragraph shall not authorise—

(a) the seizure and retention of items subject to legal privilege, or

(b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

(5) Subject to paragraph 2, a justice may grant an application under this paragraph if satisfied—

(a) that the warrant is sought for the purposes of a terrorist investigation,

(b) that there are reasonable grounds for believing that there is material on **[**[F3]premises to which the application relates**]** which is likely to be of substantial value, whether by itself or together with other material, to a

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terrorist investigation and which does not consist of or include excepted material (within the meaning of paragraph 4 below), and

(c) that the issue of a warrant is likely to be necessary in the circumstances of the case **[**[F4], and**]**

**[**[F5](d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.**]**

**Textual Amendments**

**F1** Words in Sch. 5 para. 1(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(2)**; S.I. 2006/1013, **art. 2**

**F2** Sch. 5 para. 1(2A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(2)**; S.I. 2006/1013, **art. 2**

**F3** Words in Sch. 5 para. 1(5)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(a)**; S.I. 2006/1013, **art. 2**

**F4** Word in Sch. 5 para. 1(5)(c) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(b)**; S.I. 2006/1013, **art. 2**

**F5** Sch. 5 para. 1(5)(d) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(c)**; S.I. 2006/1013, **art. 2**

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

**C1** Sch. 5 para. 1: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

**C2** Sch. 5 para. 1: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

**C3** Sch. 5 para. 1 modified (E.W.N.I) (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(1) (with s. 57(3)); S.I. 2003/708, **art. 2**

2 (1) This paragraph applies where an application **[**[F6]for a specific premises warrant**]** is made under paragraph 1 and—

(a) the application is made by a police officer of at least the rank of superintendent,

(b) the application does not relate to residential premises, and

(c) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a) and (b).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (1) "residential premises" means any premises which the officer making the application has reasonable grounds for believing are used wholly or mainly as a dwelling.

**Textual Amendments**

**F6** Words in Sch. 5 para. 2(1) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(5)**; S.I. 2006/1013, **art. 2**

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**[**[F7]2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—

(a) the application is made by a police officer of at least the rank of superintendent, and

(b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—

(a) in respect of premises which are not residential premises, and

(b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) " residential premises ", in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling. **]**

**Textual Amendments**

**F7** Sch. 5 para. 2A inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(6)**; S.I. 2006/1013, **art. 2**

3 (1) **[**[F8]A constable**]** may by a written authority signed by him authorise a search of specified premises which are wholly or partly within a cordoned area.

(2) A constable **[**[F9]may exercise the power in sub-paragraph (1) only**]** if he considers it necessary by reason of urgency.

(3) An authorisation under this paragraph shall authorise any constable—

(a) to enter the premises specified in the authority,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material (within the meaning of paragraph 1(3)) which is found on a search under paragraph (b).

(4) The powers under sub-paragraph (3)(a) and (b) may be exercised—

(a) on one or more occasions, and

(b) at any time during the period when the designation of the cordoned area under section 33 has effect.

(5) An authorisation under this paragraph shall not authorise—

(a) the seizure and retention of items subject to legal privilege;

(b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

(6) An authorisation under this paragraph shall not be given unless the person giving it has reasonable grounds for believing that there is material to be found on the premises which—

(a) is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation, and

(b) does not consist of or include excepted material.

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(7) A person commits an offence if he wilfully obstructs a search under this paragraph.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding three months,

(b) a fine not exceeding level 4 on the standard scale, or

(c) both.

**Textual Amendments**

**F8** Words in Sch. 5 para. 3(1) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 2(2)(a)** (with s. 97); S.I. 2023/1272, reg. 2(d)

**F9** Words in Sch. 5 para. 3(2) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 2(2)(b)** (with s. 97); S.I. 2023/1272, reg. 2(d)

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

**C4** Sch. 5 para. 3: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

**C5** Sch. 5 para. 3: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

**C6** Sch. 5 para. 3 modified (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(1) (with s. 57(3)); S.I. 2003/708, **art. 2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 11(1)(aa) inserted by 2003 c. 44 Sch. 36 para. 14(2)
- Sch. 4 para. 11(2A) inserted by 2003 c. 44 Sch. 36 para. 14(3)
- Sch. 4 para. 11(1)(aa) words substituted by 2015 c. 2 Sch. 11 para. 17(2)
- Sch. 4 para. 11(2A) words substituted by 2015 c. 2 Sch. 11 para. 17(3)
- Sch. 8 para. 14(2A) inserted by 2008 c. 28 s. 16(3) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 14(4)(ba) inserted by 2008 c. 28 s. 16(5) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 15(1)(aa)(ab) inserted by 2010 c. 17 s. 17(4)(b) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(2A) inserted by 2010 c. 17 s. 17(7) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(4) inserted by 2010 c. 17 s. 17(8) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14F(3)(b) and word omitted by 2012 c. 10 Sch. 24 para. 22 (This amendment not applied to legislation.gov.uk. The substitution of Sch. 8 para. 14F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14-14I substituted for Sch. 8 para. 14 by 2010 c. 17 s. 17(2) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20(3)-(3C) substituted for Sch. 8 para. 20(3) by 2010 c. 17 s. 18(2)(a) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20F(3) words omitted by 2012 c. 10 Sch. 24 para. 23 (This amendment not applied to legislation.gov.uk. The insertion of Sch. 8 para. 20F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))