

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Paragraph 8. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

#### BORDER SECURITY

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

- C1** Sch. 3 modified (30.9.2020 immediately after the amendments by S.I. 2020/915, art. 5 come into force) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), **6**
- C1** Sch. 3 modified by [S.I. 1994/1405](#), **art. 7** (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**)
- C1** [Sch. 3](#) modified by [S.I. 1993/1813](#), **Sch. 4 para. 7** (as inserted (12.2.2019 for specified purposes; 13.8.2020 in so far as not already in force) by [Counter Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(1)(g), [Sch. 3 para. 63\(1\)](#) (with s. 25(9), **Sch. 3 para. 63(2)**); [S.I. 2020/792](#), **reg. 2(g)**)

#### 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.

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- (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.
- (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.

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**Commencement Information**

**I1** Sch. 3 para. 8 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)

**I2** Sch. 3 para. 8 in force at 13.8.2020 in so far as not already in force by [S.I. 2020/792](#), [reg. 2\(g\)](#)

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