



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VI

#### PREVENTION OF TERRORISM

#### **81 Powers to stop and search vehicles, etc. and persons**

- (1) In Part IV of the Prevention of Terrorism (Temporary Provisions) Act 1989 (powers of arrest, detention and control of entry) there shall be inserted, before section 14, the following section—

**“13A Powers to stop and search vehicles etc. and persons**

- (1) Where it appears to—
- (a) any officer of police of or above the rank of commander of the metropolitan police, as respects the metropolitan police area;
  - (b) any officer of police of or above the rank of commander of the City of London police, as respects the City of London; or
  - (c) any officer of police of or above the rank of assistant chief constable for any other police area,

that it is expedient to do so in order to prevent acts of terrorism to which this section applies he may give an authorisation that the powers to stop and search vehicles and persons conferred by this section shall be exercisable at any place within his area or a specified locality in his area for a specified period not exceeding twenty eight days.

- (2) The acts of terrorism to which this section applies are—
- (a) acts of terrorism connected with the affairs of Northern Ireland; and
  - (b) acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.

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*Status: This is the original version (as it was originally enacted).*

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- (3) This section confers on any constable in uniform power—
- (a) to stop any vehicle;
  - (b) to search any vehicle, its driver or any passenger for articles of a kind which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism to which this section applies;
  - (c) to stop any pedestrian and search any thing carried by him for articles of a kind which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism to which this section applies.
- (4) A constable may, in the exercise of those powers, stop any vehicle or person and make any search he thinks fit whether or not he has any grounds for suspecting that the vehicle or person is carrying articles of that kind.
- (5) This section applies (with the necessary modifications) to ships and aircraft as it applies to vehicles.
- (6) A person is guilty of an offence if he—
- (a) fails to stop or (as the case may be) to stop the vehicle when required to do so by a constable in the exercise of his powers under this section; or
  - (b) wilfully obstructs a constable in the exercise of those powers.
- (7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (8) If it appears to a police officer of the rank specified in subsection (1)(a), (b) or (c) (as the case may be) that the exercise of the powers conferred by this section ought to continue beyond the period for which their exercise has been authorised under this section he may, from time to time, authorise the exercise of those powers for a further period, not exceeding twenty eight days.
- (9) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped; and similarly as respects a pedestrian who is stopped under this section for a search of anything carried by him.
- (10) In this section—
- “authorise” and “authorisation” mean authorise or an authorisation in writing signed by the officer giving it; and
- “specified” means specified in an authorisation under this section.
- (11) Nothing in this section affects the exercise by constables of any power to stop vehicles for purposes other than those specified in subsection (1) above.”
- (2) In consequence of the insertion in Part IV of the Prevention of Terrorism (Temporary Provisions) Act 1989 of section 13A, for the title to that Part, there shall be substituted the following title—

*“Powers of Arrest, Stop and Search, Detention and Control of Entry”.*

- (3) For the purposes of section 27 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (temporary provisions), the provisions inserted in that Act by this section shall be treated, as from the time when this section comes into force, as having been continued in force by the order under subsection (6) of that section which has effect at that time.

## **82 Offences relating to terrorism**

- (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended by the insertion, as Part IVA of that Act, of the following provisions—

### **“PART IVA**

#### **OFFENCES AGAINST PUBLIC SECURITY**

##### **16A Possession of articles for suspected terrorist purposes**

- (1) A person is guilty of an offence if he has any article in his possession in circumstances giving rise to a reasonable suspicion that the article is in his possession for a purpose connected with the commission, preparation or instigation of acts of terrorism to which this section applies.
- (2) The acts of terrorism to which this section applies are—
- acts of terrorism connected with the affairs of Northern Ireland; and
  - acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.
- (3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence the article in question was not in his possession for such a purpose as is mentioned in subsection (1) above.
- (4) Where a person is charged with an offence under this section and it is proved that at the time of the alleged offence—
- he and that article were both present in any premises; or
  - the article was in premises of which he was the occupier or which he habitually used otherwise than as a member of the public,
- the court may accept the fact proved as sufficient evidence of his possessing that article at that time unless it is further proved that he did not at that time know of its presence in the premises in question, or, if he did know, that he had no control over it.
- (5) A person guilty of an offence under this section is liable—
- on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (6) This section applies to vessels, aircraft and vehicles as it applies to premises.

**16B Unlawful collection, etc. of information**

- (1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him)—
  - (a) collect or record any information which is of such a nature as is likely to be useful to terrorists in planning or carrying out any act of terrorism to which this section applies; or
  - (b) have in his possession any record or document containing any such information as is mentioned in paragraph (a) above.
- (2) The acts of terrorism to which this section applies are—
  - (a) acts of terrorism connected with the affairs of Northern Ireland; and
  - (b) acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.
- (3) In subsection (1) above the reference to recording information includes a reference to recording it by means of photography or by any other means.
- (4) Any person who contravenes this section is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (5) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any record or document mentioned in subsection (1) above which is found in his possession.”.
- (2) For the purposes of section 27 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (temporary provisions), the provisions constituting Part IVA of that Act inserted by this section shall be treated, as from the time when those provisions come into force, as having been continued in force by the order under subsection (6) of that section which has effect at that time.
- (3) This section shall come into force at the end of the period of two months beginning with the date on which this Act is passed.

**83 Investigations into activities and financial resources of terrorist organisations**

- (1) In Schedule 7 to the Prevention of Terrorism (Temporary Provisions) Act 1989, in Part I (England, Wales and Northern Ireland)—
  - (a) in paragraph 3 (orders for production of excluded or special procedure material)—
    - (i) in sub-paragraph (2) for the words from “he may make” to “shall” there shall be substituted the words “he may order a person who appears to him to have in his possession, custody or power any of the material to which the application relates, to— ” and after the word “possession” where it subsequently appears in that sub-paragraph there shall be inserted in both places the words “, custody or power”; and

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- (ii) in sub-paragraph (5)(b)(ii), for the words from “in possession” to the end there shall be substituted the words “has the material in his possession, custody or power”;
  - (b) in paragraph 4(6) (order for production made to government department)—
    - (i) after the word “possession” where it first appears there shall be inserted the words “, custody or power”; and
    - (ii) for the words “be in possession of” there shall be substituted the words “have in his possession, custody or power”; and
  - (c) in paragraph 8(1) (orders of Secretary of State authorising searches for certain investigations), at the end, there shall be inserted the words “or an offence under section 27 of the Northern Ireland (Emergency Provisions) Act 1991”.
- (2) In Schedule 7 to the Prevention of Terrorism (Temporary Provisions) Act 1989, in Part II (Scotland)—
  - (a) in paragraph 12 (order for production of material)—
    - (i) in sub-paragraph (2) for the words from “he may make” to “shall” there shall be substituted the words “he may order a person who appears to him to have in his possession, custody or power any of the material to which the application relates, to— ” and after the word “possession” where it subsequently appears in that sub-paragraph there shall be inserted in both places the words “, custody or power”;
    - (ii) in sub-paragraph (5)(b)(ii), for the words from “in possession” to the end there shall be substituted the words “has the material in his possession, custody or power”; and
  - (b) in paragraph 13(5) (order for production made to government department)—
    - (i) after the word “possession” where it first appears there shall be inserted the words “, custody or power”; and
    - (ii) for the words “be in possession of” there shall be substituted the words “have in his possession, custody or power”.
- (3) In Schedule 5 to the Northern Ireland (Emergency Provisions) Act 1991, in paragraph 2 (investigative powers of authorised investigators), after sub-paragraph (1), there shall be inserted the following sub-paragraph—

“(1A) An authorised investigator may by notice in writing require any such person to furnish specified information relevant to the investigation within a specified time or such further time as the investigator may allow and in a specified manner or in such other manner as the investigator may allow.”.
- (4) For the purposes of section 27 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (temporary provisions) the amendments made in that Act by subsections (1) and (2) above shall be treated, as from the time when those subsections come into force, as having been continued in force by the order under subsection (6) of that section which has effect at that time.
- (5) For the purposes of section 69 of the Northern Ireland (Emergency Provisions) Act 1991 (temporary provisions) the amendments made in that Act by subsection (3) above shall be treated, as from the time when that subsection comes into force, as having been continued in force by the order under subsection (3) of that section which has effect at that time.