S C H E D U L E S

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART I

ENGLAND AND WALES AND NORTHERN IRELAND

Excluded or special procedure material: search

11   (1) A constable may apply to a Circuit judge 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 (3A)**]**,

    (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).

(3) A warrant 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.

[**^{F2}**(3A) 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").**]**

(4) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

Textual Amendments

F1   Words in Sch. 5 para. 11(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(7)**; S.I. 2006/1013, **art. 2**

F2   Sch. 5 para. 11(3A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(8)**; S.I. 2006/1013, **art. 2**

Modifications etc. (not altering text)

C1   Sch. 5 para. 11: 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. 11: 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**

12 (1) A Circuit judge may grant an application [**F3**for a specific premises warrant**]** under paragraph 11 if satisfied that an order made under paragraph 5 in relation to material on the premises specified in the application has not been complied with.

(2) A Circuit judge may also grant an application [**F3**for a specific premises warrant**]** under paragraph 11 if satisfied that there are reasonable grounds for believing that—

(a) there is material on premises specified in the application which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and

(b) the conditions in sub-paragraphs (3) and (4) are satisfied.

[**F4**(2A) A Circuit judge or a District Judge (Magistrates' Courts) may grant an application for an all premises warrant under paragraph 11 if satisfied—

(a) that an order made under paragraph 5 has not been complied with, and

(b) that the person specified in the application is also specified in the order.

(2B) A Circuit judge or a District Judge (Magistrates' Courts) may also grant an application for an all premises warrant under paragraph 11 if satisfied that there are reasonable grounds for believing—

(a) that there is material on premises to which the application relates which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and

(b) that the conditions in sub-paragraphs (3) and (4) are met.**]**

(3) The first condition is that—

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

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

(4) The second condition is that it is not appropriate to make an order under paragraph 5 in relation to the material because—

(a) it is not practicable to communicate with any person entitled to produce the material,

(b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to [**F5**premises to which the application for the warrant relates**]** , or

(c) a terrorist investigation may be seriously prejudiced unless a constable can secure immediate access to the material.

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Textual Amendments

F3 Words in Sch. 5 para. 12(1)(2) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(9)**; S.I. 2006/1013, **art. 2**

F4 Sch. 5 para. 12(2A)(2B) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(10)**; S.I. 2006/1013, **art. 2**

F5 Words in Sch. 5 para. 12(4)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(11)**; S.I. 2006/1013, **art. 2**

Status:
Point in time view as at 23/01/2015.

Changes to legislation:
Terrorism Act 2000, Cross Heading: Excluded or special procedure material: search is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.