



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART V

#### COUNTER-TERRORIST POWERS

##### *Power to stop and search*

#### 45 Exercise of power.

- (1) The power conferred by an authorisation under section 44(1) or (2)—
  - (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
  - (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.
- (2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.
- (3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.
- (5) Where—
  - (a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2), and
  - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2),the written statement shall be provided.

*Status: Point in time view as at 13/04/2006. This version of this provision has been superseded.*

*Changes to legislation: Terrorism Act 2000, Section 45 is up to date with all changes known to be in force on or before 21 March 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. (See end of Document for details)*

(6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

[<sup>F1</sup>(7) In this section “driver” has the same meaning as in section 44.]

#### Textual Amendments

**F1** S. 45(7) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), s. 30(4); S.I. 2006/1013, art. 2

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

- C1** S. 45(1)(4) modified (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C2** S. 45(1) extended (N.I.) (21.4.2007) by 2003 c. 6, Sch. 2A para. 16(2) (as inserted by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(3), 7, **Sch. 5**)
- C3** S. 45(2) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C4** S. 45(2) extended (N.I.) (21.4.2007) by 2003 c. 6, Sch. 2A para. 16(1) (as inserted by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(3), 7, **Sch. 5**)
- C5** S. 45(4) extended (N.I.) (21.4.2007) by 2003 c. 6, Sch. 2A para. 16(2) (as inserted by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(3), 7, **Sch. 5**)

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