



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 10

POLICE POWERS

MoD and transport police

98 Jurisdiction of MoD police

- (1) Section 2 of the Ministry of Defence Police Act 1987 (c. 4) (jurisdiction of members of the Ministry of Defence Police) is amended as follows.
- (2) In subsection (2) (places where members of Ministry of Defence Police have powers and privileges of constables), omit paragraph (d) (which is superseded by the amendment made by subsection (4) of this section).
- (3) In subsection (3) (circumstances in which members of Ministry of Defence Police have powers and privileges of constables in places in United Kingdom not mentioned in subsection (2)), after paragraph (b) insert—
 - “(ba) in connection with offences against persons within paragraph (b) above, with the incitement of such persons to commit offences and with offences under the Prevention of Corruption Acts 1889 to 1916 in relation to such persons;”.
- (4) After that subsection insert—
 - “(3A) Where a member of the Ministry of Defence Police has been requested by a constable of—
 - (a) the police force for any police area;
 - (b) the Police Service of Northern Ireland;
 - (c) the British Transport Police Force; or
 - (d) the United Kingdom Atomic Energy Authority Constabulary,

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to assist him in the execution of his duties in relation to a particular incident, investigation or operation, members of the Ministry of Defence Police shall have the powers and privileges of constables for the purposes of that incident, investigation or operation but subject to subsection (3B) below.

(3B) Members of the Ministry of Defence Police have the powers and privileges of constables for the purposes of an incident, investigation or operation by virtue of subsection (3A) above—

- (a) if the request was made under paragraph (a) of that subsection by a constable of the police force for a police area, only in that police area;
- (b) if it was made under paragraph (b) of that subsection, only in Northern Ireland;
- (c) if it was made under paragraph (c) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the British Transport Police Force by virtue of subsection (1A) or, in Scotland, subsection (4) of section 53 of the British Transport Commission Act 1949 (c. xxix); or
- (d) if it was made under paragraph (d) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the United Kingdom Atomic Energy Authority Constabulary.

(3C) Members of the Ministry of Defence Police shall have in any police area the same powers and privileges as constables of the police force for that police area, and in Northern Ireland the same powers and privileges as constables of the Police Service of Northern Ireland,—

- (a) in relation to persons whom they suspect on reasonable grounds of having committed, being in the course of committing or being about to commit an offence; or
- (b) if they believe on reasonable grounds that they need those powers and privileges in order to save life or to prevent or minimise personal injury.

(3D) But members of the Ministry of Defence Police have powers and privileges by virtue of subsection (3C) above only if—

- (a) they are in uniform or have with them documentary evidence that they are members of the Ministry of Defence Police; and
- (b) they believe on reasonable grounds that a power of a constable which they would not have apart from that subsection ought to be exercised and that, if it cannot be exercised until they secure the attendance of or a request under subsection (3A) above by a constable who has it, the purpose for which they believe it ought to be exercised will be frustrated or seriously prejudiced.”

(5) In subsection (4) (territorial waters)—

- (a) for “to (3)” substitute “ to (3D) ”, and
- (b) for “subsections (1) and (3)” substitute “ those subsections ”.

(6) In subsection (5)—

- (a) after the definition of “appropriate Gazette” insert—

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““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”
F1

(b) F1

Textual Amendments

F1 S. 98(6)(b) and word repealed (1.4.2005) by Energy Act 2004 (c. 20), ss. 197, 198(2), Sch. 23 Pt. 1; S.I. 2005/877, art. 2(1), Sch. 1 Table

Commencement Information

I1 S. 98 wholly in force at 7.1.2002; s. 98 in force at Royal Assent except so far as it extends to Scotland see s. 127(2)(e); s. 98 in force for Scotland at 7.1.2002 by S.I. 2001/4104, art. 2

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