



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Searches etc.*

#### **26 All premises warrants: England and Wales and Northern Ireland**

- (1) Part 1 of Schedule 5 to the Terrorism Act 2000 (searches etc. for the purposes of terrorist investigations in England and Wales and Northern Ireland) is amended as follows.
- (2) In paragraph 1 (search warrants authorising entry to specified premises), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “premises mentioned in sub-paragraph (2A)”.
- (3) After sub-paragraph (2) of that paragraph insert—
  - “(2A) 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) In sub-paragraph (5) of that paragraph—
  - (a) in paragraph (b), for “premises specified in the application” substitute “premises to which the application relates”;
  - (b) in paragraph (c), at the end insert “, and”; and
  - (c) after that paragraph insert—
    - “(d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application

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all the premises which the person so specified occupies or controls and which might need to be searched.”

(5) In paragraph 2 (warrants as to which special conditions are satisfied), in sub-paragraph (1), after “an application” insert “for a specific premises warrant”.

(6) After that paragraph insert—

“2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—

- (a) the application is made by a police officer of at least the rank of superintendent, and
- (b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—

- (a) in respect of premises which are not residential premises, and
- (b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) ‘residential premises’, in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling.”

(7) In paragraph 11 (applications for search warrants involving excluded or special procedure material), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “premises mentioned in sub-paragraph (3A)”.

(8) After sub-paragraph (3) of that paragraph insert—

“(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’).”

(9) In paragraph 12 (grant of applications where excluded or special procedure material is involved), in each of sub-paragraphs (1) and (2), after “an application” insert “for a specific premises warrant”.

(10) After sub-paragraph (2) of that paragraph insert—

“(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.”
- (11) In sub-paragraph (4)(b) of that paragraph, for “the premises on which the material is situated” substitute “premises to which the application for the warrant relates”.

## **27 All premises warrants: Scotland**

- (1) Part 2 of Schedule 5 to the Terrorism Act 2000 (c. 11) (searches etc. for the purposes of terrorist investigations in Scotland) is amended as follows.
- (2) In paragraph 28 (search warrants authorising entry to specified premises in Scotland), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “premises mentioned in sub-paragraph (2A)”.
- (3) After sub-paragraph (2) of that paragraph insert—
- “(2A) 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) In sub-paragraph (4) of that paragraph—
- (a) in paragraph (b), for “premises specified in the application” substitute “premises to which the application relates”;
  - (b) in paragraph (c), at the end insert “, and”; and
  - (c) after that paragraph insert—
- “(d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.”
- (5) In sub-paragraph (5) of that paragraph, for “a warrant” substitute “a specific premises warrant”.
- (6) After sub-paragraph (6) of that paragraph insert—
- “(6A) Where an all premises warrant is granted, entry and search in pursuance of the warrant of any premises which are non-residential premises must be within the period of 24 hours beginning with the time when the warrant is granted.
- (6B) For the purpose of sub-paragraph (6A) “non-residential premises” means any premises other than those which the constable executing the warrant has reasonable grounds for believing are used wholly or mainly as a dwelling.”

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- (7) In paragraph 29 (conditions for grant of warrant under paragraph 28)—
- (a) in sub-paragraph (1)(a), after “with” insert “and, in the case of an application for an all premises warrant, the person specified in the order in pursuance of paragraph 22(3) is also specified in the application”; and
  - (b) in sub-paragraph (2)(b), for “on which the material is situated” substitute “to which the application for the warrant relates”.
- (8) In paragraph 33(2) (power to open lockfast places)—
- (a) for “premises specified in” substitute “premises which he is entitled to enter in pursuance of”; and
  - (b) for “a notice under paragraph 32” substitute “an order under paragraph 31”.

## **28 Search, seizure and forfeiture of terrorist publications**

- (1) If a justice of the peace is satisfied that there are reasonable grounds for suspecting that articles to which this section applies are likely to be found on any premises, he may issue a warrant authorising a constable—
- (a) to enter and search the premises; and
  - (b) to seize anything found there which the constable has reason to believe is such an article.
- (2) This section applies to an article if—
- (a) it is likely to be the subject of conduct falling within subsection (2)(a) to (e) of section 2; and
  - (b) it would fall for the purposes of that section to be treated, in the context of the conduct to which it is likely to be subject, as a terrorist publication.
- (3) A person exercising a power conferred by a warrant under this section may use such force as is reasonable in the circumstances for exercising that power.
- (4) An article seized under the authority of a warrant issued under this section—
- (a) may be removed by a constable to such place as he thinks fit; and
  - (b) must be retained there in the custody of a constable until returned or otherwise disposed of in accordance with this Act.
- (5) An article to which this section applies which is seized under the authority of a warrant issued under this section on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland—
- (a) shall be liable to forfeiture; and
  - (b) if forfeited, may be destroyed or otherwise disposed of by a constable in whatever manner he thinks fit.
- (6) In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers which relate to the seizure of property in bulk)—
- (a) in Part 1, at the end insert—
    - “73H The power of seizure conferred by section 28 of the Terrorism Act 2006.”
  - (b) in Part 3, at the end insert—
    - “113 The power of seizure conferred by section 28 of the Terrorism Act 2006.”

- (7) Nothing in—
- (a) the Police (Property) Act 1897 (c. 30) (property seized in the investigation of an offence), or
  - (b) section 31 of the Police (Northern Ireland) Act 1998 (c. 32) (which makes similar provision in Northern Ireland),
- applies to an article seized under the authority of a warrant under this section.
- (8) Schedule 2 (which makes provision about the forfeiture of articles to which this section applies) has effect.
- (9) In this section—
- “article” has the same meaning as in Part 1 of this Act;
  - “forfeited” means treated or condemned as forfeited under Schedule 2, and “forfeiture” is to be construed accordingly;
  - “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60) (see section 23 of that Act).
- (10) In the application of this section to Scotland—
- (a) in subsection (1), for the words from the beginning to “satisfied” substitute “If a sheriff, on the application of a procurator fiscal, is satisfied”;
  - (b) in subsection (5) omit “on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland”;
  - (c) in subsection (9), for the definition of “premises” substitute—
    - “‘premises’ has the same meaning as in the Terrorism Act 2000 (c. 11) (see section 121 of that Act).”

## **29 Power to search vehicles under Schedule 7 to the Terrorism Act 2000**

In paragraph 8 of Schedule 7 to the Terrorism Act 2000 (c. 11) (search of a person at a port or in the border area to ascertain if he is involved in terrorism), after subparagraph (1)(d) insert—

- “(e) search a vehicle which is on a ship or aircraft;
- (f) search a vehicle which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft.”

## **30 Extension to internal waters of authorisations to stop and search**

- (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 44 (authorisations for stop and search), after subsection (4) insert—
- “(4ZA) The power of a person mentioned in subsection (4) to give an authorisation specifying an area or place so mentioned includes power to give such an authorisation specifying such an area or place together with—
- (a) the internal waters adjacent to that area or place; or
  - (b) such area of those internal waters as is specified in the authorisation.”
- (3) After subsection (5) of that section insert—
- “(5A) In this section—

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‘driver’, in relation to an aircraft, hovercraft or vessel, means the captain, pilot or other person with control of the aircraft, hovercraft or vessel or any member of its crew and, in relation to a train, includes any member of its crew;

‘internal waters’ means waters in the United Kingdom that are not comprised in any police area.”

(4) In section 45 (exercise of powers), after subsection (6) insert—

“(7) In this section ‘driver’ has the same meaning as in section 44.”