

Status: Point in time view as at 17/06/2013.

Changes to legislation: Protection of Freedoms Act 2012, Part 5 is up to date with all changes known to be in force on or before 20 June 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)

SCHEDULES

SCHEDULE 9

CONSEQUENTIAL AMENDMENTS

PART 5

COUNTER-TERRORISM POWERS

Police and Criminal Evidence Act 1984

- 21 After section 66(2) of the Police and Criminal Evidence Act 1984 (codes of practice in relation to statutory search powers etc.) insert—

“(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Commencement Information

I1 Sch. 9 para. 21 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 22 In Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice in relation to statutory search powers etc.)—

- (a) the existing provisions become paragraph (1), and
(b) after that paragraph insert—

“(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Commencement Information

I2 Sch. 9 para. 22 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

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Terrorism Act 2000

23 The Terrorism Act 2000 is amended as follows.

Commencement Information

I3 Sch. 9 para. 23 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

24 In the italic cross-heading before section 40, after “Suspected terrorists” insert “ etc. ”.

Commencement Information

I4 Sch. 9 para. 24 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

25 (1) Section 123 (orders and regulations) is amended as follows.

(2) In subsection (4), after paragraph (aa), insert—
 “(ab) section 47AB;”.

(3) In subsection (5), after “paragraph (aa)” insert “ , (ab) ”.

Commencement Information

I5 Sch. 9 para. 25 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

26 (1) Schedule 8 (detention) is amended as follows.

(2) In paragraph 36, in sub-paragraph (1A), for the words from “is” to the end of the sub-paragraph substitute “ is a judicial authority ”.

(3) In paragraph 36 omit—

- (a) sub-paragraph (1B),
- (b) in sub-paragraph (3AA), the words “or senior judge” in both places where they appear,
- (c) in sub-paragraph (4), the words from “but” onwards,
- (d) in sub-paragraph (5), the words “or senior judge”, and
- (e) sub-paragraph (7).

(4) In paragraph 37(2) omit “or senior judge”.

Commencement Information

I6 Sch. 9 para. 26 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Regulation of Investigatory Powers Act 2000

27 In paragraph 6(3) of Schedule 2 to the Regulation of Investigatory Powers Act 2000 (general requirements relating to the appropriate permission)—

(a) in paragraph (a)—

(i) for “section 44” substitute “ section 47A ”, and

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- (ii) after “(power to stop and search)” insert “ (including that section as it had effect by virtue of the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) ”,
- (b) in paragraph (b)—
 - (i) at the beginning insert “ section 44 of the Terrorism Act 2000 or ”, and
 - (ii) for the words from “had” to “section 44 of the Terrorism Act 2000” substitute “ previously had effect for similar purposes ”, and
- (c) after “mentioned in” insert “ paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”), ”.

Commencement Information

I7 Sch. 9 para. 27 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Criminal Justice and Police Act 2001

- 28 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 69 and the italic cross-heading relating to the Terrorism Act 2000, insert—

“69A The power of seizure conferred by section 43(4B)(b) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle in relation to a person suspected of being a terrorist).

69B The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”

Commencement Information

I8 Sch. 9 para. 28 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

- 29 In Part 2 of that Schedule to that Act (powers of seizure to which section 51 of that Act applies) after paragraph 82 insert—

“82A The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”.

Commencement Information

I9 Sch. 9 para. 29 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Police Reform Act 2002

- 30 In paragraph 15(1) of Schedule 4 to the Police Reform Act 2002 (powers of stop and search for community support officers)—

- (a) in paragraph (a)—
 - (i) for “section 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “ section 47A(2)(a) and (d), (3)(b) and (6) ”,

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- (ii) in sub-paragraph (iv) for “any article” substitute “ anything which is ”, and
- (iii) also in sub-paragraph (iv), for “section 44(1) or (2) of that Act” substitute “ section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act ”, and
- (b) in paragraph (b) for “subsections (1) and (4) of section 45 of” substitute “ subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to, ”.

Commencement Information

I10 Sch. 9 para. 30 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Police (Northern Ireland) Act 2003

- 31 In paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (powers of stop and search for community support officers)—
- (a) in sub-paragraph (1)—
 - (i) for “sections 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “ section 47A(2)(a) and (d), (3)(b) and (6) ”,
 - (ii) in paragraph (d) for “any article” substitute “ anything which is ”, and
 - (iii) also in paragraph (d), for “section 44(1) or (2) of that Act” substitute “ section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act ”, and
 - (b) in sub-paragraph (2) for “subsections (1) and (4) of section 45 of” substitute “ subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to, ”.

Commencement Information

I11 Sch. 9 para. 31 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Terrorism Act 2006

- 32 In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—
- (a) in subsections (3) and (4) for “under this section” substitute “ under subsection (2) ”,
 - (b) in subsection (5) after “Parliament” insert “ as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings ”,
 - (c) in subsection (6) for “to carry out a review under this section” substitute “ under subsection (1) ”, and
 - (d) after subsection (6) insert—

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“(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it.”

Commencement Information

I12 Sch. 9 para. 32 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Counter-Terrorism Act 2008

33 In section 1(1) of the Counter-Terrorism Act 2008 (power to remove documents for examination), after paragraph (b), insert—

“(ba) section 43(4B) of that Act (search of vehicle in relation to suspected terrorist);

(bb) section 43A of that Act (search of vehicle suspected of being used for the purposes of terrorism);”.

Commencement Information

I13 Sch. 9 para. 33 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631)

34 The Terrorism Act 2000 (Remedial) Order 2011 is revoked.

Commencement Information

I14 Sch. 9 para. 34 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

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