



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 4

#### COUNTER-TERRORISM POWERS

##### *Stop and search powers: general*

#### **60 Replacement powers to stop and search persons and vehicles**

- (1) Omit section 43(3) of the Terrorism Act 2000 (requirement for searches of persons to be carried out by someone of the same sex).
- (2) After section 43(4) of that Act insert—
  - “(4A) Subsection (4B) applies if a constable, in exercising the power under subsection (1) to stop a person whom the constable reasonably suspects to be a terrorist, stops a vehicle (see section 116(2)).
  - (4B) The constable—
    - (a) may search the vehicle and anything in or on it to discover whether there is anything which may constitute evidence that the person concerned is a terrorist, and
    - (b) may seize and retain anything which the constable—
      - (i) discovers in the course of such a search, and
      - (ii) reasonably suspects may constitute evidence that the person is a terrorist.
  - (4C) Nothing in subsection (4B) confers a power to search any person but the power to search in that subsection is in addition to the power in subsection (1) to search a person whom the constable reasonably suspects to be a terrorist.”
- (3) After section 43 of that Act insert—

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*Status: This is the original version (as it was originally enacted).*

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### **“43A Search of vehicles**

- (1) Subsection (2) applies if a constable reasonably suspects that a vehicle is being used for the purposes of terrorism.
- (2) The constable may stop and search—
  - (a) the vehicle;
  - (b) the driver of the vehicle;
  - (c) a passenger in the vehicle;
  - (d) anything in or on the vehicle or carried by the driver or a passenger;to discover whether there is anything which may constitute evidence that the vehicle is being used for the purposes of terrorism.
- (3) A constable may seize and retain anything which the constable—
  - (a) discovers in the course of a search under this section, and
  - (b) reasonably suspects may constitute evidence that the vehicle is being used for the purposes of terrorism.
- (4) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.
- (5) In this section “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.”