

## SCHEDULES

### SCHEDULE 3

#### BORDER SECURITY

#### PART 1

#### POWERS

##### *Power to make and retain copies*

- 20 (1) This paragraph applies where—
- (a) a copy consisting of or including confidential material is retained by virtue of paragraph 17(3)(d) or (e), and
  - (b) the examining officer who retained the copy considers that the urgency condition is met in relation to the copy.
- (2) The urgency condition is met in relation to a copy if—
- (a) there is an urgent need for the copy to be examined or otherwise used for the purpose of preventing—
    - (i) the carrying out of a hostile act, or
    - (ii) death or significant injury,or for the purpose of mitigating the risk of any such act, death or injury occurring, and
  - (b) the time it would take for the requirements of paragraphs 18 and 19 to be complied with in relation to the copy would not enable such use to take place with sufficient urgency.
- (3) The examining officer may apply to a senior officer for authorisation to continue to retain and use the copy.
- (4) An application under sub-paragraph (3) in relation to a copy may be made only to a senior officer who has not been directly involved in the exercise of any power under this Part of this Schedule to make the copy or to question a person from whom the article was taken from which the copy was made.
- (5) A senior officer may grant an authorisation under this paragraph for the retention and use of a copy if satisfied that—
- (a) there are reasonable grounds for considering that the urgency condition is met in relation to the copy,
  - (b) arrangements are in place that are sufficient for ensuring that confidential material contained in the copy is retained securely, and
  - (c) the material will be used only so far as necessary and proportionate for a purpose mentioned in sub-paragraph (2)(a).
- (6) An authorisation under this paragraph—

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*Status: This is the original version (as it was originally enacted).*

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- (a) must be recorded in writing;
  - (b) may be granted subject to whatever conditions the senior officer thinks appropriate.
- (7) Paragraphs 21 and 22 contain further provision about authorisations granted under this paragraph.
- (8) In this paragraph—
- “confidential material” has the meaning given by paragraph 12(10) and (11);
  - “senior officer” means—
    - (a) where the examining officer is a constable, another constable of at least the rank of superintendent,
    - (b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
    - (c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.