



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 4

MANAGEMENT OF TERRORIST OFFENDERS

186 Search of premises of offender released on licence for purposes connected with protection from risk of terrorism

After section 43C of the Terrorism Act 2000 insert—

“43D Search of premises of offender released on licence for purposes connected with protection from risk of terrorism

- (1) A justice may issue a warrant under this section if, on the application of a senior police officer of the relevant force, the justice is satisfied that the requirements in subsection (2) are met.
- (2) The requirements are—
 - (a) that the person specified in the application is a relevant offender who has been released on licence (and not recalled),
 - (b) that there are reasonable grounds for believing that the person resides, or may regularly be found, at premises (whether residential or otherwise) specified in the application,
 - (c) that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, for a constable to enter and search premises specified in the application, and

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- (d) the occupier of the premises is unlikely to consent to a constable entering or searching the premises specified in the application.
- (3) A warrant under this section must specify each set of premises to which it relates (which are to be premises in relation to which the requirements in subsection (2)(b) to (d) are met).
- (4) A warrant under this section is a warrant that authorises a constable of the relevant force, for the purposes referred to in subsection (2)(c)—
- (a) to enter the premises to which it relates, and
 - (b) to search the premises or, if the premises are multiple occupancy premises, the relevant parts of the premises.
- (5) A warrant under this section may—
- (a) authorise the constable executing it to use reasonable force if necessary to enter and search the premises;
 - (b) authorise entry to, and search of, the premises on more than one occasion (whether on a certain number of occasions or without limit), so far as the justice who issues the warrant is satisfied that such authorisation is necessary for the purposes referred to in subsection (2)(c).
- (6) For the purposes of subsection (4)—
- (a) “multiple occupancy premises” are premises at which two or more individuals who are not members of the same household reside;
 - (b) the reference to the “relevant parts” of multiple occupancy premises is to those parts of the premises to which the constable has reasonable grounds for believing that the person to whom the warrant relates has access.
- (7) Subsection (5) of section 43B applies for the purposes of this section as it applies for the purposes of that section.
- (8) In this section “relevant offender” means—
- (a) a prisoner to whom Chapter 6 of Part 12 of the Criminal Justice Act 2003 applies (release of fixed-term prisoners);
 - (b) a life prisoner within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34 of that Act);
 - (c) a short-term prisoner, long-term prisoner or life prisoner within the meaning of Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (see section 27 of that Act);
 - (d) a fixed-term prisoner within the meaning of Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (see Article 16 of that Order);
 - (e) a life prisoner within the meaning of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (see Article 2 of that Order).
- (9) In this section—
- “justice” means—
- (a) a justice of the peace in England and Wales,
 - (b) a sheriff or summary sheriff in Scotland, or

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(c) a lay magistrate in Northern Ireland;

“relevant force” means—

(a) if the premises specified in the application for the warrant are in England or Wales, the police force maintained for the police area in which those premises are situated,

(b) if those premises are in Scotland, the Police Service of Scotland,
or

(c) if those premises are in Northern Ireland, the Police Service of Northern Ireland;

“senior police officer” means a constable of the rank of superintendent or above.”