



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 10

#### MANAGEMENT OF OFFENDERS

#### CHAPTER 4

##### MANAGEMENT OF TERRORIST OFFENDERS

#### 187 Powers of seizure and retention

After section 43D of the Terrorism Act 2000 insert—

**“43E Seizure and retention of items found in search under section 43C or 43D**

- (1) This section applies where a constable carries out—
- (a) a search of a terrorist offender under section 43C(1),
  - (b) a search of a vehicle, or anything in or on a vehicle, under section 43C(5), or
  - (c) a search of premises further to a warrant issued under section 43D.
- (2) A constable may seize anything that the constable finds in the course of the search if—
- (a) the constable reasonably suspects that—
    - (i) the thing is or contains evidence in relation to an offence, and
    - (ii) it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed, or
  - (b) the constable reasonably believes that it is necessary to do so for the purpose of ascertaining—

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 187. (See end of Document for details)

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- (i) whether the offender has breached a condition of the offender's licence, and
  - (ii) if so, whether the breach affects the risk of terrorism to which members of the public are exposed.
- (3) Anything seized under subsection (2) may be—
  - (a) subjected to tests;
  - (b) retained for as long as is necessary in all the circumstances (but see subsection (5)).
- (4) In particular (and regardless of the ground on which the thing was seized)—
  - (a) if a constable has reasonable grounds for believing that the thing is or contains evidence in relation to an offence, it may be retained—
    - (i) for use as evidence at a trial for an offence, or
    - (ii) for forensic examination or for investigation in connection with an offence;
  - (b) if a constable has reasonable grounds for believing that the thing has been obtained in consequence of the commission of an offence, it may be retained in order to establish its lawful owner.
- (5) Anything seized under subsection (2)(b) that is not retained as mentioned in subsection (4)(a) or (b) may be retained for a maximum period of 7 days beginning with the day after the day on which the thing is seized.
- (6) Nothing may be retained for either of the purposes mentioned in subsection (4)
  - (a) if a photograph or copy would be sufficient for that purpose.
- (7) In this section “offender” means—
  - (a) in relation to a search under section 43C, the terrorist offender to whom the search relates;
  - (b) in relation to a search under section 43D, the relevant offender in relation to whom the warrant authorising the search was issued.
- (8) Nothing in this section affects any power of a court to make an order under section 1 of the Police (Property) Act 1897.”

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**Commencement Information**

**II** [S. 187](#) in force at 28.6.2022, see [s. 208\(5\)\(w\)](#)

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