

SCHEDULE 2

SECTIONS 50 TO 56 OF THE ANTI-TERRORISM, CRIME AND SECURITY ACT 2001, AS EXCEPTED AND MODIFIED AND EXTENDED TO THE TERRITORIES LISTED IN SCHEDULE 3

Supplemental provisions relating to Section 50

Extraterritorial application

51.—(1) Proceedings for an offence committed under section 50 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any part of the Territory.

(2) [omitted]

Powers of entry

52.—(1) If a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting that evidence of the commission of an offence under section 50 is to be found on any premises, he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.

(2) The powers of a person who enters the premises under the authority of the warrant include power—

- (a) to take with him such other persons and such equipment as appear to him to be necessary;
- (b) to inspect, seize and retain any substance, equipment or document found on the premises;
- (c) to require any document or other information which is held in electronic form and is accessible from the premises to be produced in a form—
 - (i) in which he can read and copy it; or
 - (ii) from which it can readily be produced in a form in which he can read and copy it;
- (d) to copy any document which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under section 50.

(3) A police officer who enters premises under the authority of a warrant or by virtue of subsection (2)(a) may—

- (a) give such assistance as an authorised officer may request for the purpose of facilitating the exercise of any power under this section; and
- (b) search or cause to be searched any person on the premises who the constable has reasonable cause to believe may have in his possession any document or other thing which may be required as evidence for the purposes of proceedings in respect of an offence under section 50.

(4) No police officer shall search a person of the opposite sex.

(5) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a police officer.

(6) A person who—

- (a) wilfully obstructs an authorised officer in the exercise of a power conferred by a warrant under this section; or

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(b) fails without reasonable excuse to comply with a reasonable request made by an authorised officer or a police officer for the purpose of facilitating the exercise of such a power, is guilty of an offence.

(7) A person guilty of an offence under subsection (6) is liable—

- (a) on summary conviction, to a fine not exceeding £5,000 or its equivalent; and
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

(8) In this section “authorised officer” means an officer acting under the authority of the Governor.

53. [omitted]

Offences

54.—(1) A person who knowingly or recklessly makes a false or misleading statement for the purpose of obtaining (or opposing the variation or withdrawal of) authorisation for the purposes of section 50 is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable—

- (a) on summary conviction, to a fine not exceeding £5,000 or its equivalent;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

(3) Where an offence under section 50 or subsection (1) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) In subsection (3) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Consent to prosecutions

55. Proceedings for an offence under section 50 shall not be instituted except by or with the consent of the Attorney General.

Interpretation

56.—(1) In the foregoing provisions “United Kingdom person” means a United Kingdom national or a body incorporated under the law of the Territory.

(2) For this purpose a United Kingdom national is an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981(1) is a British subject; or
- (c) a British protected person within the meaning of that Act.

(1) 1981 c. 61.

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