Draft Order laid before Parliament under sections 47AB(1)(b), 47AC(3) and 123(4)(ab) of the Terrorism Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

PREVENTION AND SUPPRESSION OF TERRORISM

The Terrorism Act 2000 (Alterations to the Search Powers Code for England and Wales and Scotland) Order 2022

Made - - - -

Coming into force - -

The Secretary of State makes the following Order in exercise of the powers conferred by sections 47AB(1)(b) and (2) and 47AC(1)(b) and (3) of the Terrorism Act 2000(**a**).

The Secretary of State:

(a) has, in accordance with section 47AC(1)(b) of that Act, prepared alterations to the search powers code for England and Wales and Scotland(**b**);

(b) has, in accordance with section 47AC(2) of that Act, consulted the Lord Advocate and such other persons as considered appropriate, before preparing those alterations;

(c) has, in accordance with sections 47AB(1)(a) and 47AC(3) of that Act, laid those alterations before Parliament.

In accordance with sections 47AB(1)(b), 47AC(3) and 123(4)(ab)(**c**) of that Act, a draft of this Order was laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Terrorism Act 2000 (Alterations to the Search Powers Code for England and Wales and Scotland) Order 2022 and comes into force on the day after the day on which it is made.

(2) This Order extends to the United Kingdom.

(**a**) 2000 c. 11. Sections 47AB and 47AC of the Terrorism Act 2000 were inserted by section 62 of the Protection of Freedoms Act 2012 (c. 9).

(**b**) Section 47AC(4) of the Terrorism Act 2000 (c. 11) defines "the search powers code" as meaning the code of practice issued under section 47AB of that Act. The search powers code for England and Wales and Scotland was brought into force on 10 July 2012 in accordance with article 2 of S. I. 2012/1794.

(**c**) Section 123(4)(ab) of the Terrorism Act 2000 was inserted by the paragraph 25 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9).

Alterations to the search powers code for England and Wales and Scotland

2. The alterations to the search powers code for England and Wales and Scotland that were laid before Parliament on 18 July 2022 come into force on the day on which this Order comes into force.

Name
Minister of State
Home Office

Date

EXPLANATORY NOTE

(This note is not part of the Order)

The Secretary of State has made alterations to the search powers code for England and Wales and Scotland. The alterations (a) reflect the creation of the new power in section 43C of the Terrorism Act 2000 (c. 11) under which a constable may stop and search terrorist offenders released on licence, and (b) make other minor changes. The new stop and search power applies when a terrorist offender's licence includes a search condition and the constable is satisfied that the search is necessary for purposes connected with protecting members of the public from a risk of terrorism.

This Order brings the alterations into force following their approval by each House of Parliament.

A copy of the revised code of practice referred to in this instrument is available publicly online at www.gov.uk and hard copies can be obtained by writing to the Home Office, 2 Marsham Street, London, SW1P 4DF.

A full impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

ISBN 978-0-34-823769-6

http://www.legislation.gov.uk/id/ukdsi/2022/9780348237696

9 780348 237696