

Section 44 TACT Legislation

Section 44 of the Terrorism Act 2000 as amended the Terrorism Act 2006 describes the procedure whereby a [constable](#) is authorised to stop and search persons and vehicles in order to prevent acts of terrorism.

- 44(1) An authorisation under this subsection authorises any constable in uniform to stop a [vehicle](#) in an area or at a place specified in the authorisation and to search-
- (a) the [vehicle](#);
 - (b) the driver of the vehicle;
 - (c) a passenger in the vehicle;
 - (d) anything in or on the vehicle or carried by the driver or a passenger.
- 44(2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search-
- (a) the pedestrian;
 - (b) anything carried by him.
- 44(3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of [terrorism](#).
- 44(4) An authorisation may be given-
- (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
 - (c) where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force.
- 44(ZA) The power of a person mentioned in subsection (4) to give an authorisation specifying an area or place so mentioned includes power to give such an authorisation specifying such an area or place together with-
- (a) the internal waters adjacent to that area or place; or
 - (b) such area of those internal waters as is specified in the authorisation.
- 44(4A) In a case (within subsection (4)(a), (b) or (c)) in which the specified area or place is in, on or in the vicinity of policed premises (within the meaning of section 53(3) of the British Transport Commission Act 1949, an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief

constable.

44(4B) In a case in which the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, an authorisation may also be given by a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable.

44(4BA) In a case in which the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, an authorisation may also be given by a member of that Constabulary who is of at least the rank of assistant chief constable.

44(4C) But an authorisation may not be given by -
(a) a member of the British Transport Police Force, or
(b) a member of the Ministry of Defence Police, or
(c) a member of the Civil Nuclear Constabulary,

in any other case.

44(5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

44(5A) In this section-
driver,
in relation to an aircraft, hovercraft or vessel, means the captain, pilot or other person with control of the aircraft, hovercraft or vessel or any member of its crew and, in relation to a train, includes any member of its crew;