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Section 44 Terrorism Act 2000 - Gillan and Quinton v UK

On the 8th July 2010, the Home Secretary made an announcement to the House of Commons on the developments in relation to Section 44 Terrorism Act 2000 powers and the continued use of that power of stop and search in the light of the recent ECHR ruling. The OSCT have asked that I relay on to all Forces, the implications of that announcement. These changes are described as an 'interim measure' which will apply until a full review of counter-terrorism legislation is concluded.

From now on;

- The authorisation test for the use of Section 44 powers will change from being 'expedient' to 'necessary'.
- Officers will no longer be able to stop and search individuals using Section 44 powers but must use those under Section 43, which require the 'reasonable suspicion' threshold.
- Officers will only be able to use Section 44 powers in relation to the searches of vehicles. The Home Office will only confirm these authorisations where they have been considered necessary, and officers will only be able to use the power when they have 'reasonable suspicion'.

I have communicated these changes directly to those Forces that currently utilise a Section 44 Authority.

Should you require further information, please contact my Staff Officer at andy.shaddock@cumbria.pnn.police.uk

Craig Mackey
Chief Constable
Cumbria