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Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stops and searches

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Further information

Copies of this and other Home Office statistical bulletins on the use of police powers relating to terrorism are available from the Home Office Internet site:

<http://www.homeoffice.gov.uk/science-research/research-statistics/counter-terrorism/>

The figures presented in this bulletin cover Great Britain only; data for Northern Ireland are published separately and the most recent published data for 2010/11 can be viewed at:

<http://www.nio.gov.uk/northern-ireland-terrorism-legislation-annual-statistics-2010-11/media-detail.htm?newsID=18147>

Information on stops and searches under the Terrorism Act 2000 in England and Wales is published annually in the Home Office Statistical Bulletin 'Police Powers and Procedures, England and Wales' and the Ministry of Justice report 'Statistics on Race and the Criminal Justice System England and Wales'. Final validated information on all stops and searches will be published in these reports which will also include breakdowns by police force area and ethnicity. Links to the web pages hosting these bulletins are below:

<http://www.homeoffice.gov.uk/science-research/research-statistics/police/>

<http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/race.htm>

The dates of forthcoming publications are pre-announced and can be found via the UK National Statistics Publication Hub: <http://www.statistics.gov.uk/hub/index.html>

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The governance arrangements in the Home Office for statistics were strengthened on 1 April 2008 to place the statistical teams under the direct management of a Chief Statistician who reports to the National Statistician with respect to all professional statistical matters.

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Conventions used in figures and tables

Table abbreviations

- '-' indicates nil amount or, for percentage changes, that the amount is not reported because the base number is less than 50
- '..' Indicates data are not available
- '*' Indicates not applicable

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1 Terrorism arrests and outcomes

A total of 134 persons were arrested for terrorism-related offences in the year ending 30 June 2011, compared with 131 in the previous 12 months and a total of 1,998 since 11 September 2001. Forty-nine per cent of persons arrested for terrorism-related offences in the year ending 30 June 2011 were arrested under section 41 (s41) of the Terrorism Act 2000 (TACT), compared with 43 per cent in the previous year and 78 per cent since 11 September 2001. Further information on the types of arrests and resultant charges covered in this bulletin can be found in Box 1.1.

Box 1.1 Terrorism-related offences covered in this bulletin

Arrests

Section 41 of TACT gives the police the power to arrest a person whom they reasonably suspect to be involved in terrorist-related activity without a warrant. These powers are similar to standard powers of arrest given by the Police and Criminal Evidence Act 1984 (PACE); however, s41 arrest powers allow detention of suspects for a longer period before release (see Box 1.2 and Table 1.03 for more information). Not all persons suspected of terrorism-related offences are initially arrested under s41 of TACT since a link to terrorism is not always evident at the time of arrest. As a result, both terrorism-related arrests made under s41 and those made under PACE legislation are included in this bulletin.

Charges

Terrorism-related arrests can result in charges for any criminal offence, not just those covered by TACT. Unless otherwise specified, all data described in this bulletin as relating to 'terrorism-related' charges refer to:

- TACT offences;
- failure to comply at border controls under Schedule 7 of TACT;
- under non-terrorism legislation but terrorism related (e.g. a charge for a Firearms Act offence which is related to terrorist activity).

A breakdown of all charges resulting from terrorism-related arrests, including the above categories and other outcomes, can be found in Tables 1.02 and 1.04.

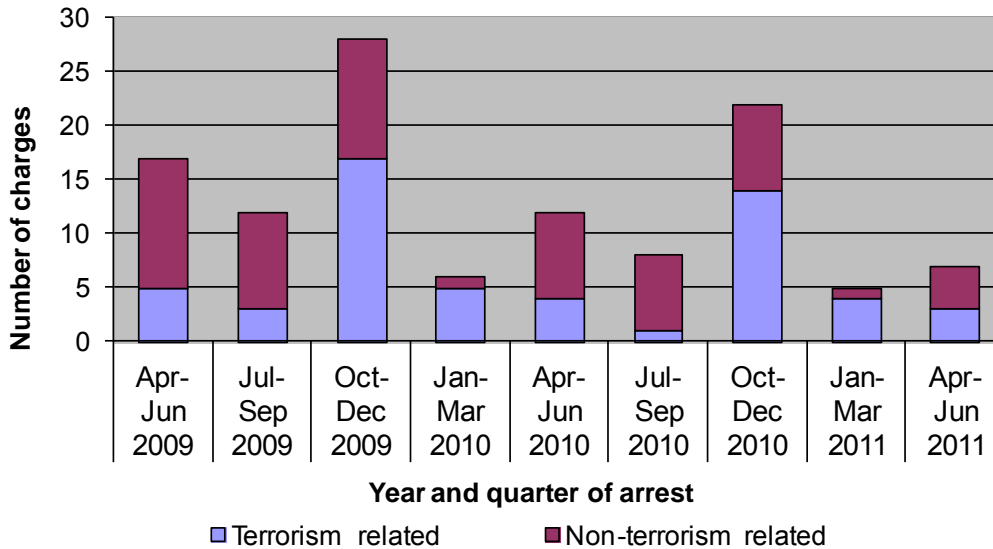
Of the 134 persons arrested in the year ending 30 June 2011, 31 per cent (42 persons) were charged, compared with a charging rate of 44 per cent (58 out of 131 persons) in the previous 12 months and 36 per cent (715 out of 1,998) since 11 September 2001. A comparison with persons aged 18 and over arrested for recorded crime offences in 2010/11 indicates that 45 per cent are proceeded against at court¹.

Fifty-eight per cent (78 persons) were released without charge in the year ending 30 June 2011 compared with 45 per cent in the previous year and 55 per cent since 11 September 2001. (Table 1.02)

¹ See Notes for a description of the comparison used.

Of the 42 persons charged in the year ending 30 June 2011, 52 per cent (22 persons) were for terrorism-related offences as compared with 50 per cent in the previous 12 months and 63 per cent since 11 September 2001. In the latest quarter (April-June 2011), three of the seven persons were charged with TACT offences; the remaining four were charged for non-terrorism-related offences. (Table 1.02)

Figure 1.1 Number of terrorism-related charges by quarter



Box 1.2 Pre-charge detention under the Terrorism Act (TACT)

Under s41 of TACT, police officers have the power to arrest persons suspected of terrorism-related offences without a warrant. These arrest powers also allow the extended detention of suspects beyond the maximum four days available under standard arrest powers.

The period of detention allowed under s41 has varied considerably. From the commencement of the legislation on 19 February 2001 to 20 January 2004, the maximum period of pre-charge detention was seven days. From 20 January 2004 to 25 July 2006, the limit was extended to 14 days. From 25 July 2006, the maximum period was extended further to 28 days, but has since reverted to a maximum of 14 days on 25 January 2011.

None of the 65 persons arrested in the year ending 30 June 2011 under TACT legislation was held in pre-charge detention for more than seven days. Fifty-eight per cent of those detained were dealt with within two days. This compares with 63 per cent dealt with within two days since 11 September 2001. (See Box 1.2 above and Table 1.03)

Of the 18 persons charged for terrorism-related offences in the year ending 30 June 2011, two were not proceeded against and 13 persons were awaiting prosecution at the time of publication. The remaining three persons were proceeded against and convicted. Since 11 September 2001, 250 persons have been convicted of terrorism-related offences out of 424 charged, a conviction rate of 59 per cent. (Table 1.04)

Data provided by the Crown Prosecution Service Counter-Terrorism Division (CPS CTD) shows that, during the year ending 30 June 2011, 12 persons stood trial for terrorism-related offences, of whom nine were convicted. In the previous year, 40 persons stood trial and 29 were convicted. (Table 1.05)

Of the nine persons convicted during the year ending 30 June 2011, eight received custodial sentences (including four sentenced to life imprisonment); the remaining person was given a non-custodial sentence². Four of the nine defendants convicted during the year ending 30 June 2011 pleaded guilty, compared with 12 (out of 29 convicted) in the previous 12 months. (Table 1.06)

There were 116 persons in prison in Great Britain for terrorist/extremist or related offences on 30 June 2011, of whom 28 were classified as domestic extremists/separatists. (Table 1.07)

In the year ending 30 June 2011, 26 prisoners being held for terrorism-related offences were discharged from prison. (Table 1.08)

² Includes sentences such as fines, conditional discharges, community service orders and hospital orders under the Mental Health Act, among others.

Table 1.01 Persons arrested for terrorism-related offences under section 41 of the Terrorism Act 2000¹ and other legislation²

Number													Great Britain		
	Date of arrest										Total year ending		Change ³		Since 11 Sep 2001
	Apr-Jun 2009	Jul-Sep 2009	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	30 Jun 2010	30 Jun 2011	Number	%		
Section 41 Terrorism Act	29	13	26	10	7	10	26	7	22	56	65	9	16	1,558	
<i>Percentage of total (%)⁴</i>	<i>42</i>	<i>42</i>	<i>46</i>	<i>45</i>	<i>32</i>	<i>30</i>	<i>52</i>	<i>39</i>	<i>67</i>	<i>43</i>	<i>49</i>			<i>78</i>	
Other legislation⁵	40	18	30	12	15	23	24	11	11	75	69	-6	-8	440	
<i>Percentage of total (%)⁴</i>	<i>58</i>	<i>58</i>	<i>54</i>	<i>55</i>	<i>68</i>	<i>70</i>	<i>48</i>	<i>61</i>	<i>33</i>	<i>57</i>	<i>51</i>			<i>22</i>	
Total	69	31	56	22	22	33	50	18	33	131	134	3	2	1,998	

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Section 41 of the Terrorism Act 2000 gives the police the power to arrest a person whom they reasonably suspect to be a terrorist without a warrant. This is similar to the powers of arrest contained in wider criminal legislation.
2. Persons suspected of terrorism-related offences are not always arrested under section 41 of the Terrorism Act 2000. A terrorist link is not always substantiated; all outcomes of these arrests are shown in Tables 1.02 and 1.04.
3. Difference between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
4. Care should be taken in interpreting percentages in this table as the numbers on which they are based are relatively low.
5. Mainly section 1 Police and Criminal Evidence Act 1984.

Table 1.02 Persons arrested for terrorism-related offences by charging outcome

Number	Date of arrest										Total year ending		Change ¹		Great Britain
	Apr-Jun				Jul-Sep				Oct-Dec		30 Jun	30 Jun	Number	%	Since 11 Sep 2001
	2009	2009	2009	2010	2010	2010	2010	2010	2011	2011	2010	2011			
Arrested	69	31	56	22	22	33	50	18	33	131	134	3	2	1,998	
Charged:	17	12	28	6	12	8	22	5	7	58	42	-16	-28	715	
<i>Terrorism-related</i>															
Terrorism Acts (TACT) ²	3	2	5	2	2	1	9	1	3	11	14	3	-	276	
Schedule 7 (TACT) ³	-	-	1	1	-	-	3	1	-	2	4	2	-	23	
Other legislation ⁴	2	1	11	2	2	-	2	2	-	16	4	-12	-	148	
Non-terrorism-related ⁵	12	9	11	1	8	7	8	1	4	29	20	-9	-	268	
Alternative action⁶	20	3	7	3	1	4	1	2	7	14	14	-	-	189	
Released without charge	32	16	21	13	9	21	27	11	19	59	78	19	32	1,094	

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Difference between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
2. Includes charges under the Terrorism Act 2000, Anti-Terrorism Crime and Security Act 2001, Prevention of Terrorism Act 2005, and Terrorism Act 2006.
3. Failure to comply at border controls under Schedule 7 of the Terrorism Act 2000.
4. Includes charges under any non-TACT criminal offence, which are considered to be terrorism-related (see Box 1.1 for a detailed description of these categories).
5. Includes charges under any non-TACT criminal offence, which are considered to be non-terrorism-related.
6. Includes cautions for non-terrorism offences, transfers to immigration authorities, transfers to Police Service for Northern Ireland, summonses, those bailed awaiting charge and those dealt with under mental health legislation.

Table 1.03 Detention times of persons arrested under s41 of the Terrorism Act 2000¹, with outcomes²

Number	Great Britain																							
	Jul - Sep 2010				Oct - Dec 2010				Jan - Mar 2011				Apr - Jun 2011 ³				Year ending 30 Jun 2011 ³				Since 11 Sep 2001			
	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total				
Time in detention before outcome																								
Under 1 day	-	2	1	3	-	9	1	10	-	3	1	4	1	2	1	4	1	16	4	21	136	501	57	694
1 to less than 2 days	-	7	-	7	-	1	-	1	-	-	-	-	1	8	-	9	1	16	-	17	67	201	24	292
2 to less than 3 days	-	-	-	-	-	-	-	-	-	1	-	1	-	1	-	1	-	2	-	2	18	22	2	42
3 to less than 4 days	-	-	-	-	-	-	-	-	-	-	-	1	-	3	-	3	-	4	-	4	42	40	15	97
4 to less than 5 days	-	-	-	-	-	1	-	1	-	-	-	-	-	1	-	1	-	2	-	2	30	33	8	71
5 to less than 6 days	-	-	-	-	-	1	-	1	1	-	-	1	1	1	-	2	2	2	-	4	36	23	6	65
6 to less than 7 days	-	-	-	-	9	4	-	13	-	-	-	-	1	1	-	2	10	5	-	15	85	46	5	136
7 to less than 8 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	5	5	17
8 to less than 9 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	5	1	16
9 to less than 10 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	7	2	25
10 to less than 11 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4	-	8
11 to less than 12 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	6	-	26
12 to less than 13 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	2	3	15
13 to less than 14 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	8	7	43
14 to less than 15 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	1	-	-	1
15 to less than 16 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
16 to less than 17 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
17 to less than 18 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
18 to less than 19 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	1	-	-	1
19 to less than 20 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	3	-	-	3
20 to less than 21 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
21 to less than 22 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
22 to less than 23 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
23 to less than 24 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
24 to less than 25 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
25 to less than 26 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
26 to less than 27 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	-	-	-	-
27 to less than 28 days	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	*	-	-	-	-	3	3	-	6
Total	-	9	1	10	9	16	1	26	1	5	1	7	4	17	1	22	14	47	4	65	517	906	135	1,558

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Excludes those arrested under other legislation. Although an investigation is considered terrorism-related the 14-day maximum pre-charge detention period does not apply in such cases.
2. The category 'other' includes cautions for non-terrorism offences, transfers to immigration authorities, transfers to Police Service for Northern Ireland, summonses, those bailed awaiting charge and those dealt with under mental health legislation.
3. The maximum period of detention under section 41 of TACT was changed from 28 days to 14 days on 25 January 2011.

Table 1.04 Outcomes for persons charged¹ and prosecuted² for terrorism-related offences³

Number	Date of arrest ⁴										Total year ending		Great Britain	
	Apr-Jun				Jul-Sep				Oct-Dec		30 Jun	30 Jun	Change ⁵	Since 11 Sep 2001
	2009	2009	2009	2010	2010	2010	2010	2010	2011	2011	2010	2011		
Persons charged and outcome														
Charged	5	3	16	4	4	1	11	3	3	27	18	-9	424	
Prosecuted	4	3	16	3	1	-	2	1	-	23	3	-20	344	
<i>Not proceeded against</i>	1	-	-	-	3	-	-	1	1	3	2	-1	66	
<i>Awaiting prosecution</i>	-	-	-	1	-	1	9	1	2	1	13	12	14	
Convicted⁶	4	1	13	1	1	-	2	1	-	16	3	-13	250	
Terrorism Act offences	2	1	5	1	-	-	-	-	-	7	-	-7	125	
Other legislation - Terrorism related	2	-	8	-	1	-	2	1	-	9	3	-6	125	
Other outcomes of prosecutions														
Found not guilty	-	2	2	2	-	-	-	-	-	6	-	-6	90	
Other ⁷	-	-	1	-	-	-	-	-	-	1	-	-1	4	

Source: ACPO Counter Terrorism Coordination Centre

1. Charged here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.
2. Prosecution leads here to a single principal conviction, e.g. the most serious offence.
3. Excludes outcomes of charges under Schedule 7 of the Terrorism Act 2000, and non-terrorism-related charges under non-TACT legislation (see Box 1.1 for more information).
4. Figures in this table are based on year of arrest, therefore a defendant arrested in 2008 and convicted in 2010 will be included in the 2008 figure. As a result, data on trials and convictions in Table 1.04 are not directly comparable with those shown in Table 1.05 (based on date of trial outcome).
5. Difference between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
6. Excludes cases when a conviction was later quashed on appeal. See Table 1.13 of the most recent annual terrorism bulletin (HOSB 15/11) available on the Home Office Science website (<http://www.homeoffice.gov.uk/science-research/research-statistics/counter-terrorism>).
7. Includes hung juries and trials not currently completed.

Table 1.05 Persons^{1,2} dealt with by the Crown Prosecution Service for terrorism-related offences³ by outcome

Number	England and Wales											
	Date of trial outcome									Total year ending		Change ⁴
	Apr-Jun 2009	Jul-Sep 2009	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	30 Jun 2010	30 Jun 2011	
Outcome												
Acquitted	5	3	-	4	-	-	1	-	-	7	1	-6
Convicted	6	12	6	6	5	6	1	2	-	29	9	-20
Other outcome ⁵	-	-	-	4	-	-	1	-	1	4	2	-2
Total	11	15	6	14	5	6	3	2	1	40	12	-28
	<i>Percentage convicted (%)</i>									73	75	

Source: Crown Prosecution Service Counter-Terrorism Division (CPS CTD)

1. Principal offence basis.
2. Figures in this table are based on date of trial outcome, therefore a defendant arrested in 2008 and convicted in 2011 will be included in the 2011 figure. As a result, data on trials and convictions in Table 1.05 are not directly comparable with those shown in Table 1.04 (based on date of arrest).
3. Includes trials for offences under terrorism legislation and trials under non-terrorism legislation where the case is considered terrorism related.
4. Difference in numbers between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
5. Includes outcomes such as: hung jury, no evidence offered, defendant died.

Table 1.06 Sentencing for trials where offender convicted¹ for terrorism-related offences²

Number	England and Wales											Change ³	
	Date of trial outcome										Total year ending		
	Apr-Jun 2009	Jul-Sep 2009	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	30 Jun 2010	30 Jun 2011		
Type of sentence and plea													
Non-custodial sentence	-	1	-	-	-	-	1	-	-	1	1	-	
Custodial sentence:													
Less than 1 year	-	-	-	-	-	-	-	-	-	-	-	-	
1 year and under 4 years	4	2	3	5	3	2	-	-	-	13	2	-11	
4 years and under 10 years	2	3	2	1	1	-	-	1	-	7	1	-6	
10 years and under 20 years	-	1	-	-	1	-	-	-	-	2	-	-2	
20 years and under 30 years	-	-	-	-	-	-	-	1	-	-	1	1	
IPP ⁴	-	1	-	-	-	-	-	-	-	1	-	-1	
Life sentence	-	4	1	-	-	4	-	-	-	5	4	-1	
Total	6	12	6	6	5	6	1	2	-	29	9	-20	
<i>(of which)</i>													
Guilty plea	3	5	-	4	3	3	1	-	-	12	4	-8	
Not guilty plea	3	7	6	2	2	3	-	2	-	17	5	-12	

Source: Crown Prosecution Service Counter-Terrorism Division (CPS CTD)

1. Refers to cases dealt with by the Crown Prosecution Service Counter-Terrorism Division only.
2. Includes trials for offences under terrorism legislation and trials under non-terrorism legislation where the case is considered to be terrorism related.
3. Difference in numbers between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
4. Indeterminate sentence for public protection.

Table 1.07 Terrorist/extremist prisoners¹

Number	Great Britain							
	30 Sep 2009 ³	31 Dec 2009 ³	30 Apr 2010	30 Jun 2010	30 Sep 2010	31 Dec 2010	30 Apr 2011 ³	30 Jun 2011 ³
Type of prisoner ²								
Terrorism legislation or terrorism related	111	105	97	89	86	96	94	84
Domestic extremist/separatist	18	22	24	21	22	22	22	28
Historic cases	5	5	5	6	3	5	4	4
Total	134	132	126	116	111	123	120	116

Source: National Offender Management Service and Scottish Prison Service

1. Includes prisoners on remand as well as those sentenced to prison custody for a criminal offence.

2. See Notes for a description of the prisoner types used in this bulletin.

3. Includes one prisoner in Scottish prison custody.

Table 1.08 Terrorist legislation or terrorism-related prisoners¹ discharged from prison

Number	Great Britain				
	Time of discharge				
Length of sentence	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011
Less than or equal to 6 months	-	-	-	-	-
Greater than 6 months to less than 12 months	-	-	-	-	-
12 months to less than 4 years	9	3	5	1	2
4 years or more	4	4	4	5	2
Indeterminate sentence for public protection (IPP)	-	-	-	-	-
Life	-	-	-	-	-
Total	13	7	9	6	4

Source: National Offender Management Service and Scottish Prison Service

1. Includes historical terrorism cases which predate the introduction of the Terrorist Acts (2000 & 2006). They were imprisoned pre-2001 following a terrorist investigation, acts of terrorism, or for membership of a proscribed organisation. They include convicted terrorists from the 1970s to 1990s for a range of offences. They include members of groups such as the Palestinian Liberation Organisation (PLO), Democratic Revolutionary Movement for the Liberation of Arabistan (DRMLA) and domestic bombers.

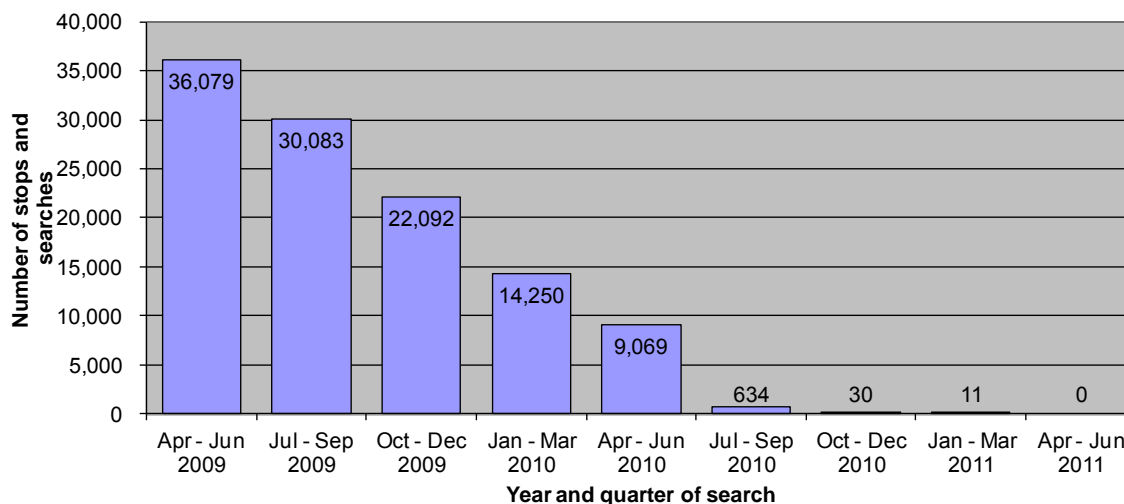
2 Stops and searches under the Terrorism Act 2000

Section 44 (s44) of TACT provided police officers with the power to stop and search persons and vehicles for articles which could be used in connection with terrorism. Subject to authorisation by the Home Secretary within a 48-hour period, police forces were able to apply to carry out s44 stops and searches within a particular area during an agreed period without the need of reasonable suspicion. The majority of those police forces that regularly authorised the use of s44 ceased using the power to search persons following the Home Secretary's statement on 8 July 2010. On 18 March 2011, all s44 powers were formally replaced with section 47A (s47A) stop and search powers, which have a significantly higher threshold for authorisation than s44 searches. Further details can be found in Box 2.1.

A total of 675 stops and searches were made in Great Britain under s44 in the year ending 30 June 2011, a 99 per cent fall on the previous 12 months. Between April and June 2011 there were no searches under s47A compared with 9,069 conducted under s44 during the same period in 2010. Moreover, there have been no uses of s47A since the commencement of the power on 18 March 2011. The Metropolitan Police Service accounted for 99 per cent of all s44 uses in Great Britain in the year ending 30 June 2011. (Tables 2a and 2.01)

Fifty-eight per cent of those stopped and searched under these powers in the year ending 30 June 2011 classified themselves as White, 18 per cent classified themselves as Asian or Asian British and nine per cent classified themselves as Black or Black British. These proportions are very similar to the previous year (58% White, 17% Asian and 10% Black), despite falls in the number of searches carried out. (Table 2.02)

Figure 2.1 Stops and searches made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000¹



1. On 8 July 2010 the majority of police forces that regularly authorised the use of s44 ceased using the power to search persons following the Home Secretary's statement.

Box 2.1 *Terrorism Act 2000 (Remedial) Order 2011 and new section 47A Schedule 6B of the Terrorism Act*

The Home Secretary announced on 26 January 2011 the findings from the review of counter-terrorism and security powers. One of the recommendations of the review was that stop and search powers under sections 44 to 47 of the Terrorism Act 2000 should be repealed and replaced with a much more limited power.

This recommendation was based on the Government's commitments to introduce safeguards against the misuse of terrorism legislation, and in order to bring the powers into line with the European Convention on Human Rights, following the European Court of Human Rights ruling in the case of *Gillan and Quinton v United Kingdom*.

The recommendation is being implemented by provisions in the Protection of Freedoms Bill which was introduced to Parliament on 11 February 2011. The review also recommended that consideration be given to whether the new counter-terrorism stop and search powers should be available more quickly than the Protection of Freedoms Bill would allow. On 1 March 2011 the Home Secretary announced that she had concluded that the police do need the powers more quickly than the Bill would allow.

The Home Secretary has therefore made a "remedial order" under section 10 of the Human Rights Act 1998 to make immediate changes to the legislation. The new powers contained in that order are supported by a robust statutory Code of Practice.

The remedial order replaces sections 44 to 47 of the Terrorism Act 2000 with a more targeted and proportionate power. The provisions in the order will cease to have effect on the coming into force of the similar provisions in the Protection of Freedoms Bill – in other words, the order makes temporary provision while the Protection of Freedoms Bill is being taken through Parliament. The order came into force on 18 March 2011.

Section 47A and Schedule 6B of the Terrorism Act 2000 introduce replacement stop and search provisions. An authorisation for the use of the new stop and search powers can only be given under section 47A where the person giving authorisation reasonably suspects an act of terrorism will take place and considers the powers are necessary to prevent such an act. An authorisation can last for no longer and cover no greater an area than is necessary to prevent such an act. This represents a significantly higher threshold for giving an authorisation than the "expediency" test under section 44 of the 2000 Act.

Also available to the police are powers of stop and search under section 43 (s43) of TACT, where an officer does not need an authorisation as described above, but instead should have reasonable suspicion that the suspect is involved in terrorist-related activity. A total of 1,283 persons were stopped and searched by the Metropolitan Police Service in the year ending 30 June 2011 under this power, up from 1,046 in the previous 12 months, an increase of 23 per cent. The proportion of persons stopped and searched who classified themselves as Asian or Asian British increased from 27 per cent in the year ending 30 June 2010, to 34 per cent in the year ending 30 June 2011. During the same period, the proportion of persons searched describing themselves as White fell from 50 per cent to 38 per cent. The number of persons searched who self classified as Black or Black British fell one percentage point, from nine to eight per cent. (Tables 2b and 2.03)

The year ending 30 June 2011 saw seven arrests resulting from s44 stops and searches in Great Britain, an arrest rate of one per cent. None of these arrests was identified as being terrorism-related. A further 34 arrests were made by the Metropolitan Police Service following stops and searches under s43 (2.7% of total searches).

Stops and searches under the Terrorism Act 2000

Table 2a **Stops and searches and resultant arrests made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000^{1,2}**

Number and percentage	Great Britain		
	Year ending		
Number of searches and arrests	30 Jun 2010	30 Jun 2011	Change (%)
Searches	75,494	675	-99
Resultant arrests	405	7	-98
<i>of which: Terrorism related</i>	2	-	-
<i>Proportion of persons searched who were arrested (%)</i>	0.5	1.0	

Source: Home Office, British Transport Police and Scottish police forces

1. Excludes 'vehicle only' searches.
2. Includes searches conducted by the British Transport Police who cover all of Great Britain.

Table 2b **Stops and searches and resultant arrests made under section 43 of the Terrorism Act 2000¹**

Number and percentage	Metropolitan Police Service		
	Year ending		
Number of searches and arrests	30 Jun 2010	30 Jun 2011	Change (%)
Searches	1,046	1,283	23
Resultant arrests	25	34	-
<i>Proportion of persons searched who were arrested (%)</i>	2.4	2.7	

Source: Metropolitan Police Service, PIB Criminal Justice & Operations

1. Includes searches of persons only.

Table 2.01 Stops and searches made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000 by police force area^{1,2}

Number	Date of search										Great Britain		
											Total Year Ending		Change ³
	Apr-Jun 2009	Jul-Sep 2009	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	30 Jun 2010	30 Jun 2011		
Police force area ²													
Cumbria	58	7	-	-	-	-	-	-	-	-	7	-	-7
Essex	301	33	-	55	23	6	-	-	-	-	111	6	-105
Greater Manchester	49	32	25	45	25	1	-	-	-	-		1	-126
Hampshire ⁴	49	-	4	-	-	-	-	-	-	-	4	-	-4
London, City Of	319	426	313	328	569	61	17	4	-	-	1,636	82	-1,554
Metropolitan Police	27,246	22,831	18,367	13,030	7,297	536	13	7	-	-	61,525	556	-60,969
North Yorkshire	36	45	40	33	29	-	-	-	-	-	147	-	-147
South Wales	187	-	-	23	90	-	-	-	-	-	113	-	-113
Sussex ⁵	423	309	303	225	206	26	-	-	-	-	1,043	26	-1,017
Cheshire	9	3	8	-	-	-	-	-	-	-	11	-	-11
Merseyside	4	-	-	-	-	-	-	-	-	-	-	-	-
Thames Valley	48	60	23	13	19	-	-	-	-	-	115	-	-115
England and Wales	28,729	23,746	19,083	13,752	8,258	630	30	11	-	-	64,839	671	-64,168
British Transport Police⁶	7,326	6,311	3,002	496	794	4	-	-	-	-	10,603	4	-10,599
Scotland	24	26	7	2	17	-	-	-	-	-	52	-	-52
Great Britain	36,079	30,083	22,092	14,250	9,069	634	30	11	-	-	75,494	675	-74,819

Source: Home Office, British Transport Police and Scottish police forces

1. Does not include 'vehicle only' searches.
2. Only police forces in England and Wales that conducted section 44 searches between 1 April 2009 and 30 June 2011 are separately identified in the table.
3. Difference between the totals for the 12 months ending 30 June 2010 and 30 June 2011.
4. The four searches conducted in Oct-Dec 2009 were carried out under the authorisation issued to the British Transport Police.
5. Sussex Police cannot separate 'vehicle only' searches from vehicle and occupant searches; as a consequence data here cover searches of pedestrians only.
6. British Transport Police figures cover England, Wales and Scotland.

Table 2.02 Stops and searches under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000 by self-defined ethnicity¹

Area and quarter	Self-defined ethnicity						Total
	White	Mixed	Black or	Asian or	Chinese or other	Not stated	
			Black British	Asian British			
Great Britain							
England and Wales							
Apr - Jun 2009	17,374	628	3,169	4,741	1,171	1,646	28,729
Jul - Sep 2009	14,611	524	2,688	3,621	1,165	1,137	23,746
Oct - Dec 2009	11,228	381	1,968	3,763	821	922	19,083
Jan - Mar 2010	7,951	341	1,436	2,728	552	744	13,752
Apr - Jun 2010	4,808	200	883	1,552	374	441	8,258
Jul - Sep 2010	367	11	56	120	29	47	630
Oct - Dec 2010	20	3	4	2	1	-	30
Jan - Mar 2011	3	-	-	2	1	5	11
Apr - Jun 2011	-	-	-	-	-	-	-
British Transport Police²							
Apr - Jun 2009	4,307	199	405	1,035	294	1,086	7,326
Jul - Sep 2009	3,354	156	366	868	284	1,283	6,311
Oct - Dec 2009	1,541	69	117	441	131	703	3,002
Jan - Mar 2010	250	9	17	103	19	98	496
Apr - Jun 2010	352	10	21	112	31	268	794
Jul - Sep 2010	3	-	-	-	-	1	4
Oct - Dec 2010	-	-	-	-	-	-	-
Jan - Mar 2011	-	-	-	-	-	-	-
Apr - Jun 2011	-	-	-	-	-	-	-
Scotland							
Apr - Jun 2009	17	-	1	6	-	-	24
Jul - Sep 2009	24	-	-	-	2	-	26
Oct - Dec 2009	7	-	-	-	-	-	7
Jan - Mar 2010	2	-	-	-	-	-	2
Apr - Jun 2010	17	-	-	-	-	-	17
Jul - Sep 2010	-	-	-	-	-	-	-
Oct - Dec 2010	-	-	-	-	-	-	-
Jan - Mar 2011	-	-	-	-	-	-	-
Apr - Jun 2011	-	-	-	-	-	-	-
Great Britain							
Apr - Jun 2009	21,698	827	3,575	5,782	1,465	2,732	36,079
Jul - Sep 2009	17,989	680	3,054	4,489	1,451	2,420	30,083
Oct - Dec 2009	12,776	450	2,085	4,204	952	1,625	22,092
Jan - Mar 2010	8,203	350	1,453	2,831	571	842	14,250
Apr - Jun 2010	5,177	210	904	1,664	405	709	9,069
Jul - Sep 2010	370	11	56	120	29	48	634
Oct - Dec 2010	20	3	4	2	1	-	30
Jan - Mar 2011	3	-	-	2	1	5	11
Apr - Jun 2011	-	-	-	-	-	-	-
Annual totals							
Year ending 30 June 2010	44,145	1,690	7,496	13,188	3,379	5,596	75,494
Year ending 30 June 2011	393	14	60	124	31	53	675

Source: Home Office, British Transport Police and Scottish police forces

1. Does not include 'vehicle only' searches.
2. British Transport Police figures include England, Wales and Scotland.

Table 2.03 Stops and searches made by the Metropolitan Police under section 43 of the Terrorism Act 2000 by self-defined ethnicity¹

Number	Date of search										Metropolitan Police Service		
											Total year ending		Change ²
	Apr-Jun 2009	Jul-Sep 2009	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	30 Jun 2010	30 Jun 2011		
Self-defined ethnicity													
White	196	210	140	108	66	103	150	145	92	524	490	-34	
Mixed	11	9	7	6	3	4	8	9	10	25	31	6	
Black or Black British	45	33	16	29	20	22	38	31	17	98	108	10	
Asian or Asian British	64	80	69	83	52	68	98	156	110	284	432	148	
Chinese or other	4	14	15	10	10	15	36	34	29	49	114	65	
Not stated	22	28	15	15	8	21	25	32	30	66	108	42	
Total	342	374	262	251	159	233	355	407	288	1,046	1,283	237	

Source: Metropolitan Police Service, PIB Criminal Justice & Operations

1. Does not include 'vehicle only' searches.
2. Difference between the totals for the 12 months ending 30 June 2010 and 30 June 2011.

NOTES

1. Detailed information on the Terrorism Act 2000 (TACT) can be found on the UK legislation website at: <http://www.legislation.gov.uk/ukpga/2000/11/contents>
2. Information on the legislation covering stop and search powers presented in Chapter 2 of this bulletin can be found below.
 - **Stops and searches under section 43 of TACT** – This power of stop and search is available to police for searching suspects whom they reasonably suspect are involved in terrorist activity. <http://www.legislation.gov.uk/ukpga/2000/11/section/43>
 - **Stops and searches under section 44/47A of TACT** – In situations where the power to stop and search persons for involvement in terrorism-related activity with no suspicion of involvement is required, police forces were able to request authorisation to conduct searches under section 44 of the Terrorism Act from the Home Office. As outlined in Box 2.1, section 44 was repealed and replaced with section 47A in 2011. The key difference between the two powers is that while section 44 allows authorisations in an entire police force area without specific intelligence of an attack, section 47 has to apply to a specific area, only where specific intelligence of a possible attack is known.
 - Further information: Section 44 <http://www.legislation.gov.uk/ukpga/2000/11/section/44>
 - Further information: Section 47A <http://www.legislation.gov.uk/uksi/2011/631/body/made>
3. A list of the data providers for this bulletin is below.
 - **ACPO Counter Terrorism Co-ordination Centre (ACTCC):** The ACTCC collects data covering all terrorism arrests in Great Britain (i.e. excluding Northern Ireland) and their subsequent outcome. This information relates to data collected from 11 September 2001; although the total number of arrests between February 2001 and 11 September 2001 are known, no further breakdown is possible. Data provided by the ACTCC to the Home Office are a 'snapshot' of their live dataset which is updated each quarter for each publication with the latest information, based on the principal charge. It is not unusual for charges to be amended or added during the police investigations or criminal trials. As a result, figures in this bulletin for all years are subject to change for each quarterly updated bulletin.
 - **Crown Prosecution Service (CPS):** The CPS holds information on all trials of terrorism-related suspects including sentences and appeals. The CPS regularly shares information with the CPS Counter-Terrorism Division and the ACTCC to validate data.
 - **Ministry of Justice (MOJ):** The MOJ maintains a list of known terrorists/extremists held in prisons in England and Wales (on remand or as convicted prisoners). This list also includes those who entered prison before 11 September 2001, and are therefore excluded from the police database. Information is also held on those subject to extradition orders or held by immigration powers. Information for Scotland is provided separately by the Scottish Prison Service. Data on the whole England and Wales prison population are published quarterly in the MOJ statistical bulletin 'Offender Management Caseload Statistics'. The most recent update containing prison populations by nationality relates to the position as at 31 March 2011, and can be viewed at: <http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/index.htm>
 - **Police forces:** Data on stops and searches under section 44 of TACT published in this bulletin are provided to the Home Office by individual police forces as a part of formal returns. Not all police forces are able to separately identify section 43 searches from their data; therefore the data on section 43 searches published in the bulletin cover the Metropolitan Police Service only. Persons stopped and searched are asked to self-classify their own ethnicity using the 2001 census categories (see below).

- 4. The comparison between the proportion of terrorism-related arrests resulting in a charge, and the proportion of arrests for recorded crime offences resulting in a prosecution is based on the most comparable data available to the Home Office. Data on prosecutions have been used for this comparison in lieu of charges because data on charges for recorded crime offences are not collected centrally. Most terrorism-related charges result in court proceedings; however, many take time to come to court, therefore a comparison between charging rates for terrorism-related offences, and prosecution rates for recorded crime offences is the most accurate comparison available.
- 5. Ethnicity data in Chapter 2 of the bulletin are based upon self-defined classifications used during the 2001 census. This system comprises 16 distinct ethnic categories (plus one non-stated category). For the purposes of the bulletin these ethnicities are grouped into five main categories, a list of which is below:

<p>White British Irish Other</p>	<p>Mixed White and Black Caribbean White and Black African White and Asian Other Mixed</p>	<p>Asian/Asian British Indian Pakistani Bangladeshi Other Asian</p>
<p>Black or Black British Caribbean African Other Black</p>	<p>Chinese or other Chinese Other</p>	<p>Not Stated</p>

- 6. Groups included in prison statistics but not covered elsewhere in this bulletin are:
 - **Domestic extremists:** Domestic extremists are defined as individuals who belong to groups or causes that originate in the United Kingdom (although they may have international links) and are often associated with 'single issue' protestors who seek to further their cause through the committing of criminal offences. Some of these cases may not require the involvement of police counter-terrorism resources but may involve other specialist criminal justice resources. There is a wide spectrum of domestic extremist causes including extreme left- and right-wing groups, animal rights extremists and domestic (sometimes called "lone wolf") bombers. Of those held in prison custody, the majority belong to extremist animal rights groups, members or associates of far right groups.
 - **Historical terrorist cases:** These individuals' court cases pre-date the introduction of the Terrorism Acts. They were imprisoned pre-2001 following a terrorist investigation, acts of terrorism, or for membership of a proscribed terrorist organisation. They include convicted terrorists from the 1970s to 1990s for a range of offences and who remained in prison custody on 31 March 2008. They include members of groups such as the Palestinian Liberation Organisation (PLO), Democratic Revolutionary Movement for the Liberation of Arabistan (DRMLA), and domestic bombers. It should be noted that a number of convicted terrorists, particularly Irish Republican and Loyalist paramilitaries, have been released either through completion of sentence or under the terms of the Belfast Agreement of 1998. These cases are not included in these figures.