

**HOME OFFICE****Authorisation to stop and search under Section 44 of the Terrorism Act 2000**

**The Minister of State for Policing and Criminal Justice (Nick Herbert):** My hon Friend the Minister of State for Security (Baroness Neville-Jones) has today made the following Written Ministerial Statement:

I wish to inform the House of errors relating to those periods in the past which have recently been identified following an internal review of the authorisation process for the stop and search powers under section 44 of the Terrorism Act 2000.

The Metropolitan Police Service (MPS) has undertaken work in relation to a request for information under the Freedom of Information Act concerning authorisations for the section 44 stop and search powers. In the course of reviewing their section 44 records, the MPS identified an authorisation from April 2004 which had not been confirmed by a Home Office Minister within the statutory 48 hour deadline for confirmation. Subsequent investigations revealed that approximately 840 were stopped and searched in the relevant area during the period of the invalid authorisation. The MPS are urgently considering what steps can reasonably be taken to contact those individuals involved.

As a result of this discovery, the Office for Security and Counter Terrorism (OSCT) in the Home Office undertook a review in May 2010 of all section 44 authorisations since the Terrorism Act came into force on 19 February 2001, in the course of which a number of other errors came to light. I have to inform the House that it appears that stop and search powers have been used unlawfully by a number of police forces on a number of occasions. The Home Office has written to each of the police forces concerned to alert them to these errors and those forces are now in the process of assessing how many individuals were stopped and searched in the periods of invalid authorisations. They will do their best to contact those involved. To summarise these errors, on 33 occasions authorisations were specified to be for 29 days, and 2 occasions when the authorisations were specified to be for 30 days, whereas the statutory maximum period is 28 days. In addition, there was 1 further case (as well as the MPS incident in April 2004) where Ministerial confirmation for the authorisation was not provided within the statutory 48 hour deadline. All of these cases appear to have been as a result of administrative errors which were not identified at the time by either the police or the Home Office. A full breakdown is included in the attached table.

Lord Carlile, the independent reviewer of terrorism legislation, has been informed.

Three episodes of errors taking place in the section 44 authorisation process have previously been brought to the attention of the House. For completeness, these are also included in the attached table bringing the total number of such cases to 40. Home Office officials are working closely with the National Policing Improvement Agency (NPIA) and the Association of Chief Police Officers (ACPO) with the aim of ensuring there are no incidents in future. Officials will keep Lord Carlile and me informed and I will report back to the House as necessary.

I am aware that there is considerable concern about the operation of section 44 stop and search powers going beyond these authorisation errors. The Government is committed to a wider review of counter-terrorism legislation, including the operation of the Section 44 stop and search provisions. Whilst I take some re-assurance from the fact that no errors have occurred since December 2008 when the authorisation process was tightened, I want to assure the House that there will be utmost vigilance in future. It is with the need for this in mind that I have instructed Home Office officials unconnected with the administrative process to conduct the internal review of procedures.

## **TABLE OF ERRONEOUS AUTHORISATIONS**

### **AUTHORISATIONS OVER THE STATUTORY 28 DAY PERIOD**

#### **Kent Constabulary**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
19 February 2001	08.00 hrs	18 March 2001	19 March 2001
11 April 2001	08.35 hrs	08 May 2001	09 May 2001

#### **Sussex Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
05 March 2001	11.50 hrs	01 April 2001	02 April 2001
07 September 2001	12.00 hrs	04 October 2001	05 October 2001
19 December 2001	15.30 hrs	15 January 2001	16 January 2001
15 January 2007*	09.15 hrs	11 February 2007	12 February 2007
12 March 2007*	14.21 hrs	08 April 2007	9 April 2007

**\*The two occasions in January and March 2007 were addressed by Lord Carlile in his report for that year**

#### **Durham Constabulary**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
03 April 2001	09.30 hrs	30 April 2001	01 May 2001

#### **Cleveland Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
02 April 2001	10.30 hrs	29 April 2001	30 April 2001

#### **City of London Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
29 April 2001	12.00 hrs	26 May 2001	27 May 2001
21 June 2001	12.00 hrs	18 July 2001	19 July 2001
20 July 2001	11.20 hrs	16 August 2001	17 August 2001
17 August 2001	12.00 hrs	13 September 2001	14 September 2001

#### **Thames Valley Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
29 April 2001	12.00 hrs	26 May 2001	27 May 2001
25 May 2001	12.00 hrs	21 June 2001	22 June 2001
22 June 2001	08.05 hrs	19 July 2001	20 July 2001
20 July 2001	08.04 hrs	16 August 2001	17 August 2001
17 August 2001	08.01 hrs	13 September 2001	14 September 2001
24 June 2002	11.33 hrs	21 July 2002	22 July 2002

### **Metropolitan Police Service**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
29 April 2001	12.00hrs	26 May 2001	27 May 2001
25 May 2001	12.00 hrs	21 June 2001	22 June 2001
22 June 2001	12.00 hrs	19 July 2001	20 July 2001
20 July 2001	13.00 hrs	16 August 2001	17 August 2001
17 August 2001	12.00 hrs	13 September 2001	14 September 2001

### **North Yorkshire Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
21 September 2001	12.00 hrs	18 October 2001	19 October 2001
19 October 2001	11.45 hrs	15 November 2001	16 November 2001
16 November 2001	12.00 hrs	13 December 2001	14 December 2001

### **Hampshire**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
02 September 2002	10.25 hrs	29 September 2002	30 September 2002

### **Bedfordshire Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
15 November 2002	10.00 hrs	12 December 2002	13 December 2002

### **Essex Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
20 October 2003	08.05 hrs	16 November 2003	17 November 2003

### **Greater Manchester Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
19 January 2004	09.30 hrs	15 February 2004	16 February 2004
16 August 2007*	15.20 hrs	12 September 2007	14 September 2007
13 September 2007*	12.00 hrs	10 October 2007	11 October 2007

**\*The two occasions in August and September 2007 were addressed by Lord Carlile in his report for that year**

### **Fife Constabulary**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
31 March 2008	16.43 hrs	27 April 2008	28 April 2008

### **South Wales Police**

Authorisation Date	Authorisation Time	Statutory End Date	Actual End Date
6 February 2007*	13.50 hrs	05 March 2007	7 March 2007

\*The occasion in February 2007 was addressed by Lord Carlile in his report for that year and the Government Response to his report. The Government Response also highlighted an incident in 2005 where South Wales did not have an authorisation in place between midnight on 21 June 2005 and 09.25 hrs on 24 June 2005.

### **AUTHORISATIONS NOT CONFIRMED WITHIN THE 48 HOUR STATUTORY DEADLINE**

#### **Metropolitan Police Service**

Authorisation Date	Authorisation Time	Ministerial Confirmation Date/Time	Actual time taken for Ministerial Confirmation
2 April 2004	07.30 hrs	4 April 2004 – 11.10hrs	51 hours & 40 minutes

#### **Thames Valley Police**

Authorisation Date	Authorisation Time	Ministerial Confirmation Date/Time	Actual time taken for Ministerial Confirmation
29 November 2006	15.00 hrs	1 December 2006 – 15.15hrs	48 hours & 15 minutes

### **USE OF SECTION 44 POWERS WHERE A VALID AUTHORISATION WAS NOT IN PLACE – AS PREVIOUSLY ADVISED TO PARLIAMENT**

#### **Sussex Police**

Authorisation Date <sup>[1]</sup>	Authorisation Expiry Date	Number of days where power could have been used
June 2003	~June 2003	-
3 September 2007	25 September 2007	23

#### **South Wales**

Authorisation Date <sup>2</sup>	Authorisation Expiry Date	Number of days where power could have been used
22 June 2005	24 June 2005	2

**TOTAL FORCES: 14**  
**TOTAL INCIDENTS: 40**

<sup>[1]</sup> The dates indicated here (for both Sussex Police and South Wales Police) are the dates from which the authorisations would commence if they had been submitted.

<sup>2</sup> The dates indicated here (for both Sussex Police and South Wales Police) are the dates from which the authorisations would commence if they had been submitted.