



Fox Law Opening Statement

Appendix 1

Dated: 09/06/2025

No.	Agency	Disruptive Activities	Expert Report Para.	Legislation/ Power
1		Vehicle tracking, monitoring and automatic number plate recognition (ANPR)		
	Any law enforcement agency	tracking the movements of people	10.3	Data Protection Act 1984- under the law enforcement exception
		ANPR	10.5	Data Protection Act 1984- under the law enforcement exception
2		Access to CCTV, recording, computer bases including call data and mobile telephone cell cite data		
	Law enforcement agencies	access to CCTV material	11.1	Data Protection Act 1984- under the national security exception
3		Road Traffic Powers		
	Police	stop and question name and address and DOB	12.1	Road Traffic (Northern Ireland) Order 1981 (RTO)
	Law enforcement agency	stop and question drivers after an accident	12.2	RTO
	Police	initiate a road check to ascertain whether a vehicle is carrying:	12.4	Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE)
		a) a person who has committed an offence other than a road traffic offence or a vehicle excise offence		
		(b) a person who is a witness to such an offence;		
		(c) a person intending to commit such an offence; or		
		(d) a person who is unlawfully at large.		
4		Stop and question		
	Police and Army	stop and question a) identity and movement	13.2	Northern Ireland (Emergency Provisions) Act 1996 (EPA)
		stop and question b) what the individual knows about a recent explosion/incident endangering life		
5		Stop and Search		
	Police	stop and search someone in a vehicle if suspected they have stolen/prohibited articles	14.1	PACE
		stop and search a person if they have reasonable suspicion that the person is in possession of a firearm or drugs in a public place	14.3	Firearms (Northern Ireland) Order 1981 and Misuse of Drugs Act 1971
		stop and search anyone who they suspect could confirm their suspicions that they are involved in terrorism	14.4	EPA

	stop and search pedestrians, vehicles and the occupants in relation to a terrorism arrest	14.6	The Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA)
	search and seize munitions	14.6	PTA
Explosives Inspector	stop and search anyone in a public place to search for explosives	14.7	Explosives Act 1970
Police Officer	stop and search for documents those who may liable for an arrest in relation to terrorism	14.8	EPA
	Searching premises		
Police	search premises with a warrant if there are reasonable grounds for believing:	15.1	PACE
	(a) that a serious arrestable offence has been committed; and		
	b) that there is material on premises specified in the application which is likely to be of substantial value to the investigation of an offence		
	(c) that the material is likely to be relevant evidence		
	enter and search premises when making an arrest in relation to a terrorism arrest	15.3	PTA
	search property without a warrant to make an arrest under PTA	15.4	EPA
Army	enter and search premises to arrest those believed to commit/going to commit a terrorist offence	15.4	EPA
Police	apply for warrant to search premises for material which may be used in investigating an individual's involvement in terrorism	15.5	PTA
	search non-residential premises for material of use to a terrorist	15.6	EPA
Police and Army	without a warrant search premises to ascertain unlawful ammunitions or transmitter and seize and destroy	15.7	EPA
Superintendent Police	without a warrant, searches and/or require persons to give explanations of the material found and seized	15.9	TPA
Police	search for, or require the production of, material in connection with investigations into terrorist finance offences	15.11	PTA
Police and Army	enter and search premises to preserve the peace or maintain order for munitions and transmitters and rescue people held against their will		EPA
Explosives Inspector	enter any premises other than dwelling to search for and seize explosives	15.14	EPA
Army and Police	enter any premises to:	15.15	EPA
	take possession of the land;		

	seize or destroy property;		
	prohibit or;		
	restrict any rights of access;		
	to close or divert highways;		
	and to remove any item which has been used, or is intended for use in commission of an offence or interfering with a road closure or creating a by-pass		
7	Arrest and Detention		
Police	arrest without a warrant anyone suspected of having committed/about to commit an arrestable offence	16.1	PACE
Police Officer or any person, including a member of the Armed Services	arrest for breach of peace (about to commit in the immediate future)	16.2	Lewis v Chief Constable of Greater Manchester, unreported, 23 October 1991 CA and Moss v McLachlan [1985] IRLR 76
Army	detain for up to 4 hours anyone committing/about to commit an offence	16.6	EPA
Police	arrest without a warrant (reasonable grounds for suspicion) anyone guilty of an offence under the PTA/EPA or;	16.7	EPA
	was concerned in commission/preparation/instigation of acts of terrorism;		
	subject to an exclusion order	16. 10	EPA
	detain for 48 hours without charge and extend for further 5 days		Legislation Against Terrorism: A Consultation Paper, December 1998, Cm 4178, para 8.1
8	Searches and taking samples in custody		
Police	once in custody a detained person could be searched	17.1	PACE
	their clothes and other possessions could be seized;		
	they could be subjected to a strip or intimate search;		
	they could have their finger prints taken;		
	and have DNA test taken e.g. mouth swab without consent		
	take fingerprints and other samples, including DNA	17.2	PTA
9	Cordons and road closures		
Any member of Her Majesty's forces	wholly or partly close a highway or divert or otherwise interfere with a highway or the use of a highway; or	19.5	EPA
	prohibit or restrict the exercise of any right of way or the use of any waterway		

10	SOS	close roads 'for the preservation of the peace or the maintenance of order	19.5	EPA
		Proscription		
11	SOS	proscribe any organisation which is concerned in Irish terrorism, or in promoting it or encouraging it.	20.1	PTA & EPA
		Exclusion Orders		
12	SOS	exclude anyone who was, or had been, concerned in the commission, preparation or instigation of acts of terrorism if it appeared to be expedient to do so to prevent acts of Irish terrorism	21.1	PTA
		Travel between the Republic of Ireland, other countries and the rest of Great Britain		
	Immigration Officials	examining a person to determine their immigration status	22.2	Immigration Act 1971
		searching a vehicle taken off a train, ship or aircraft;	22.3	Immigration Act 1971
		detaining an overstayer, a person breaching the conditions for leave or seeking leave by deception, a person reasonably suspected of being the subject of a removal direction or a person subject to a deportation order.		
		take fingerprints		
		examine a person to establish their identity		
		arrest with a warrant		
		search a person in police custody		
		require the person to be medically examined		
		prevent their entry into the country and arrange for their removal.		
	Customs and Excise Officers	stop, question and check travellers for banned or restricted goods	22.5	Customs and Excise Management Act 1979
		seize any smuggled goods, or vehicles used for smuggling		
		to search and detain, etc		
	Police, Immigration and Customs Officers	stop, question and search people, vehicles and unaccompanied freight which were about to enter or leave Great Britain or Northern Ireland to determine whether they have been concerned in the commission, preparation or instigation of acts of terrorism (did not require reasonable suspicion)	22.5	
		commercial passenger carriers and aircraft captains had to provide the names and nationalities of passengers and crew	22.7	

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13		passengers could also be required to complete landing or embarkation cards which required names, addresses and the purpose of the visit		
		search (including the power to use reasonable force in doing so) vehicles, travellers and their baggage was provided and did not require the officer to have reasonable suspicion before undertaking the search		
		search warrants to be granted to search for persons liable to arrest and for suspects to be photographed, identified and fingerprinted		
		Covert Surveillance in general		
	Police	could be authorised to trespass on land or damage another person's property by the Secretary of State	23.5	
	MI5 , MI6 and GCHQ	authorised by warrant to trespass on land/damage another person's land		
		the surveillance of suspects or others	23.7	Unregulated
		following a person or observing their movements		
		tracking them using electronic devices		
		collection of geographic telephone cell site data (subject to that being technically possible)		
		listening to conversations using listening devices placed in homes, buildings and vehicles		
		collecting data about telephone calls from the telecoms suppliers		
		accessing the content of emails and other messages		
		watching or recording computer and other devices' keystrokes (subject to that being technically possible)		
		using covert human intelligence sources		
		acquisition of bulk communications data	23.8	Telecommunications Act 1984
	Any law enforcement agency	access to CCTV and ANPR	23.9	Data Protection Act 1984, exception of law enforcement
14		Telephone Interception		
	Police and Intelligence Service	intercept communications with a warrant where it is necessary (national security/preventing or detecting crime/safeguarding economic wellbeing of the UK)	24.3	The Interception of Communications Act 1985
15		Sharing intercept product		

16	Any law enforcement agency	could be shared with any law enforcement agency that needed it where it was in the interest of national security, preventing or detecting serious crime or safeguarding economic well being of the UK	25.2	Interception of Communications Act 1985
		MI5		
	MI5	Secretary of State issue warrants to the Security Service to:	27.5	The Intelligence Services Act 1994
		interfere with property or		
17		intercept calls (wireless telegraphy)		
		Those provisions, would also have allowed the Security Service to undertake covert searches of property or to interfere with property in order to install surveillance devices	26.7	
		GCHQ		
	GCHQ	to monitor or interfere with electromagnetic, acoustic and other emissions and any equipment producing such emissions and to obtain and provide information derived from or related to such emissions or equipment and from encrypted material; and	28.4	Intelligence Services Act 1994
18		to provide advice and assistance about languages, including terminology used for technical matters, and cryptography and other matters relating to the protection of information and other material		
		MI6		
	MI6	to obtain and provide information relating to the actions or intentions of persons outside the British Islands	29.1	Intelligence Services Act 1994
		to perform other tasks relating to the actions or intentions of such persons		
19		to authorise a person to act in breach of the law, including the criminal law, outside of the 'British Islands', at least so that that person is not liable in the United Kingdom	29.7	
		In 1997/98 a warrant could have been provided to any of the three UK secret services to take action to prevent terrorist activities or to collect information and evidence on those involved. The Security Service could act within the UK or even outside the UK, while GCHQ and the Secret Intelligence Service could have taken such action outside the UK.	29.8	
		Listening and Videodevices		

	MI5, MI6, GCHQ	no regulation of the use of listening or video devices by the three intelligence and security agencies and the process of obtaining warrants was restricted to telephone interception or property interference	30.1	Intelligence Services Act 1994
	Police	could be authorised by the Secretary of State to trespass on land or to damage another's property	30.1	EPA
20		Visual Surveillance		
	Police, GCHQ, MI5, MI6	police conduct visual surveillance with	33.1	Unregulated
		binoculars		
		telescopes		
		cameras with telephoto lenses		
		closed-circuit television (CCTV)		
		video recorders		
21		Covert Human Intelligence Sources		
	Law enforcement agencies	use of of informants	34.1	Unregulated
22		Fund raising		
	Police	considerable extra powers in terrorist investigations, greater powers to obtain information from banks and other financial institutions	35.5	PTA
23		Monitoring bank accounts, seizing and freezing		
	Court	court to make a forfeiture order if a person was found guilty of contributing towards acts of terrorism, providing finances to a proscribed organisation, or assisting with the control or retention of terrorist funds	36.1	PTA
	Court	provided powers to seize and confiscate the proceeds of crime.	36.2	Proceeds of Crime (Northern Ireland) Order 1996
24		Collaboration between UK state authorities and the Republic of Ireland		
	Police/Court	persons could be tried in Northern Ireland for certain offences committed in the Republic of Ireland, and vice-versa	37.1	Criminal Jurisdiction Act 1975
		evidence could be obtained from one of those jurisdictions for use in the other		
		sharing evidence, serving court summonses, providing court records, etc		European Union

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	provided a legal basis for the United Kingdom to give practical assistance to courts and prosecution authorities in other jurisdictions, includes delivering summonses on behalf of the other jurisdiction, transferring of prisoners to give evidence, and authorising searches.		The Criminal Justice (International Co-operation) Act 1990
	Extradition		
Police/Court	extradition to the United Kingdom	38.1	Republic of Ireland's Extradition (European Convention on the Suppression of Terrorism) Act 1987
	allowed the police in the Republic of Ireland to arrest those accused of serious offences, detain them and prosecute them in the criminal courts in the Republic		Criminal Law (Jurisdiction) Act 1976 (Ireland)
	extradition to Ireland	38.5	Extradition Act 1989