

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 8

INTERPRETATION

- 64 (1) This paragraph applies for the purposes of this Schedule.
- (2) References to engagement in hostile activity are to be read in accordance with paragraph 1(5); and references to a “hostile act” are to be read in accordance with paragraph 1(6).
- (3) “Examining officer” means—
- (a) a constable,
 - (b) an immigration officer who is designated as an examining officer for the purposes of Schedule 7 to the Terrorism Act 2000 (see paragraph 1(1)(b) of that Schedule), and
 - (c) a customs officer who is designated for the purposes of that Schedule (see paragraph 1(1)(c) of that Schedule).
- (4) The following terms have the meaning given—
- “act” includes omission;
 - “article” includes a substance and any other thing;
 - “customs officer” means an officer of Revenue and Customs;
 - “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - “the Investigatory Powers Commissioner” and “Judicial Commissioner” have the same meanings as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);
 - “port” includes an airport and a hoverport;
 - “property” includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property;
 - “ship” includes a hovercraft;
 - “vehicle” includes a train.
- (5) A place is to be treated as a port in relation to a person if an examining officer believes the person—
- (a) has gone there for the purpose of embarking on a ship or aircraft, or
 - (b) has arrived there on disembarking from a ship or aircraft.
- (6) A place is within the “border area” if it is in Northern Ireland and—

Status: This is the original version (as it was originally enacted).

- (a) it is no more than one mile from the border between Northern Ireland and the Republic of Ireland, or
 - (b) it is the first place at which a train travelling from the Republic of Ireland stops for the purposes of allowing passengers to leave.
- (7) References to crime include references to any conduct which—
- (a) constitutes one or more criminal offences, or
 - (b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences.
- (8) References to an enactment include references to—
- (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978,
 - (b) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (c) an enactment comprised in, or in an instrument made under, Northern Ireland legislation.
- (9) References to serious crime are to be read in accordance with paragraph 1(7)(d).
- (10) References to a part of the United Kingdom are references to—
- (a) England and Wales,
 - (b) Scotland, or
 - (c) Northern Ireland.