

I'm a Photographer, Not a Terrorist!

Stop and Search Bust Card

Your Rights

If you are stopped and searched under section 44 of the Terrorism Act, you do not have to give your:

- ▶ Name
- ▶ Address
- ▶ Date of Birth
- ▶ DNA, or
- ▶ Reason for being there
- ▶ Nor do you have to explain where you are going

However, if the police decide that there is reasonable suspicion to arrest you for an offence, you do have to give your name and address.

- You do not have to comply with any attempt to photograph you, although you cannot flee the scene.
- The Police cannot delete any images on your camera. They can only view them in very limited circumstances.
- If you are driving a vehicle, when stopped you must give your name and address.
- Failure to stop or obstructing a police constable acting under section 44 is a criminal offence.

Police Powers

Under s44, a police constable in uniform is entitled to:

- Pat you down
- Detain you for the duration of the search
- Remove outer clothing
- Require you to remove any item which he reasonably believes you are wearing to conceal your identity
- Look through your pockets and anything you are carrying
- Seize any article he reasonably suspects is intended to be used in connection with terrorism.
- Search your vehicle and anyone in it.

What You Should Do

- Insist on a written record of the search
- Make sure it is legible and includes details of the officers' shoulder number and the reason for the stop.
- Note exactly why they said you were being stopped and searched – this may be more extensive than the reference in the record slip.
- Ask to see the officers' warrant card and note the number. (This is useful when making a complaint if they have moved stations and their shoulder number changes)

Note

A Police Community Support Officer (PCSO) may not perform a s44 search without a police officer present.

Other Laws

- It is not against the law to photograph police, vehicles or equipment, unless the images are “likely to be useful to a person committing or preparing an act of terrorism”.
- It is not against the law to take photographs in an area where an authority under section 44 is in place.
- Using a tripod or other equipment on a public right of way can be considered obstruction. Simply standing still on a public right of way (as to take a photo) can be deemed an obstruction in certain circumstances.
- Although it is rarely used, the Official Secrets Act prohibits photography that threatens the security of the state. This includes:
 - ▶ Military establishments and munitions stores, aircraft and ships
 - ▶ Civil Aviation property and naval dockyards
 - ▶ Railways, road, waterway, power stations, waterworks and nuclear power stations that have been defined as prohibited places by the Secretary of State.
 - ▶ Telephone exchanges and communications centres operated by the Crown
 - ▶ Anywhere else that is a prohibited place by order of the Secretary of State
- You can photograph private property if you are on public property or a public right of way

- Private property owners may impose restrictions on photography, this only applies to photographs taken from somewhere on their property. Restrictions may not always be obvious but will still apply. They cannot be imposed after the photography has occurred.
- Private property owners or their agents (for example security guards) may not view or delete images on your camera or demand your name and address. They may require you to leave immediately and by the most direct route without giving any reason if they choose.
- There is no right to privacy in a public place, however, there are circumstances in which a person has a reasonable expectation of privacy, particularly if they are inside their own home. Childrens privacy rights are particularly protected. You therefore need to be aware that publication without consent may leave you open to legal action.

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