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Practice Advice on

SCHEDULE 7 OF THE TERRORISM ACT 2000

2009

Produced on behalf of the Association of Chief Police Officers
by the National Policing Improvement Agency

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Practice Advice on **SCHEDULE 7 OF THE TERRORISM ACT 2000**

2009

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Foreword

Special Branch ports officers carry a significant responsibility as part of the police contribution to ensuring National Security. It is vital that they are equipped with powers that enable them to carry out their role effectively and efficiently.

Schedule 7 of the Terrorism Act 2000 provides these officers with unique powers to examine people who pass through the United Kingdom's borders. It is essential that they are applied professionally so that the police maintain the confidence of all sections of the public. Any misuse of these powers could have a far-reaching negative impact on police community relations and hinder progress made in support of the Government's counter-terrorism strategy (CONTEST).

This practice advice complements ***Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice***, and has been compiled after a considerable consultation process with external partners and community groups. The advice will assist officers in the application of their duties and reinforces the need to give due regard to concerns raised by the communities we serve. It is also available to the public and as such demonstrates our drive to make the use of this power more transparent.

I commend this document to all who use or have an interest in the use of these powers.



John Donlon
Assistant Chief Constable
National Co-ordinator PROTECT

Introduction

Police officers working at airports, seaports and international railway stations play an essential role in protecting the public from terrorism and other threats to national security. Together with other police officers, government departments and agencies operating at UK borders, they monitor the movement of people and goods in support of the government's counter-terrorism strategy, CONTEST. More information on CONTEST is available at <http://security.homeoffice.gov.uk/counter-terrorism-strategy/>

Police officers at ports, airports and international railway stations also contribute to the national effort to combat serious and organised crime, provide reassurance, arrest wanted persons and deal with many other issues.

Schedule 7 of the Terrorism Act 2000 is the principal legal power police officers working at ports and borders use to protect the country from terrorism. Schedule 7 provides powers to establish whether people travelling through ports are, or have been, concerned in the commission, preparation or instigation of acts of terrorism.

Schedule 7 provides powers to stop, question, search and, if necessary, to detain people without suspicion. There is a legal obligation placed on the person concerned to cooperate with the exercise of these powers.

Section 53 of the Terrorism Act 2000 and Schedule 7 of the same Act set out the legal powers police officers at the UK border may use to protect the country from terrorism; Schedule 7 is given effect by section 53(1) of the Act.

The powers provided by Schedule 7 differ in a number of significant ways from sections 43 and 44 of the Terrorism Act 2000 described in ***ACPO (2008) Practice Advice on Stop and Search in Relation to Terrorism***.

Schedule 7 powers should only be used to counter terrorism and may not be used for any other purpose.

These powers represent a vital tool in preventing and detecting terrorist crime and in protecting the public from terrorism. If they are used inappropriately or insensitively, there is a risk of damaging the relationship between the police and sections of the public (locally, nationally and internationally). It should also be remembered that inappropriate use of these powers could have an adverse effect on the community work undertaken by the PREVENT strand of the CONTEST strategy. Consequently, the use of these powers requires robust management to ensure that there is both effective supervision and public transparency in respect of their use.

Forces should ensure that the selection of people for examination is not based solely on their perceived ethnic background or religion. The powers must be exercised in a manner that does not discriminate unlawfully against anyone.

The Human Rights Act (HRA) 1998 is directly relevant to the use of Schedule 7 and all officers involved in the use of the power should ensure that they fully comply with the Act.

This practice advice is primarily for use by police officers in England, Wales, Scotland and Northern Ireland carrying out counter-terrorism duties, but it should also be available to the general public. Although the Terrorism Act 2000 applies in Scotland, some of the legislation and doctrine referred to in this document does not. Officers in Scotland should follow Scottish legislation and ACPOS guidance in this respect.

1

Community Engagement

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1.1 Importance of Community Engagement

The support and cooperation of all sections of the community is essential in combating terrorism.

Some police activities undertaken in support of the government's CONTEST strategy may inadvertently have a negative impact on certain communities and can undermine preventive action. Forces should seek to minimise such an impact.

The manner in which Schedule 7 powers are used can have a far-reaching effect on the public and this may influence acceptance of wider counter-terrorism powers.

Police managers should take reasonable, practical steps to promote public understanding of the role of police officers at UK ports and the purpose of Schedule 7 powers.

Officers should remember that use of Schedule 7 powers in one force may impact on people living in another force area. Equally, people who are resident in an officer's force area may have been affected by the use of Schedule 7 at ports in other force areas.

1.2 Community Engagement Initiatives

In order to engage effectively with communities, forces should consider the following initiatives:

- Police managers' engagement with local independent advisory and oversight groups concerning Schedule 7 activity, eg, police authorities.
- Partnership working.
- Ongoing diversity training.
- Feedback to officers and community groups on the outcome of complaints.
- Open discussion sessions with relevant groups.
- Consideration of the impact of Schedule 7 in wider community impact assessments.
- Inclusion of ports' activities in the force community engagement strategy.
- The development of a specific ports community engagement and communication strategy.

- Police managers delivering briefings to colleagues in other force business areas (eg, Neighbourhood Policing Teams, Diversity Teams and Community Safety Teams). These teams may be the first to become aware of community dissatisfaction arising from the use of Schedule 7 powers.
- Meetings with local community groups, especially those that may be disproportionately affected by the use of this power.
- Offering the opportunity to visit ports to local opinion formers with the aim of building solid relationships and mutual confidence.

This list is not exhaustive. The ability of forces to undertake such activities will vary according to their individual circumstances, including the nature, size and number of ports, force size and population make-up.

The aims of all of the suggested initiatives are to:

- Increase public confidence in the Police Service through a greater understanding of why Schedule 7 powers are needed and the reasons for their use;
- Improve public transparency and accountability of police actions in the use of Schedule 7 powers;
- Minimise the impact of Schedule 7 powers on communities;
- Improve the quality of service.

2

Schedule 7 Powers

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2.1 Schedule 7 – A Tool for Tackling Terrorism

Those engaged in terrorist activities may travel as part of planning and preparation for their criminal activities. A primary role of police officers working at ports is to identify people involved in the commission, preparation or instigation of acts of terrorism; Schedule 7 is a vital tool for achieving this and must not be used for any other purpose.

2.2 Where and When Schedule 7 Powers Can Be Used

2.2.1 Ports

Schedule 7 is only applicable in a port or border area.

Ports include airports, seaports and international railway stations. Additionally, a place will be treated as a port under Schedule 7 if it is believed that someone has gone there to embark on a ship, aircraft or international train, or has disembarked from a ship, aircraft or international train.

2.2.2 Border Area

The border area in Northern Ireland is, for the purposes of Schedule 7, any place no more than one mile from the border with the Republic of Ireland. Additionally, the first place that trains travelling from the Republic of Ireland stop in Northern Ireland, for the purpose of allowing passengers to leave, is considered to be part of the border area.

2.2.3 Application of Schedule 7 Powers

The power to examine someone under the schedule applies:

- To a person **on** a ship, aircraft or international train which has arrived at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland).
- When it is believed that the person's presence at a port or in the border area is in connection with their **entering or leaving** Great Britain or Northern Ireland or travelling by air **within** Great Britain or **within** Northern Ireland.

Note: The Channel Tunnel (International Arrangements) (Amendment) Order 2001 provides that examining officers can exercise Schedule 7 powers: (a) on an international train; and (b) at a railway station or other place where people embark or disembark, or where goods are loaded on or from an international train service.

If it is known or believed that a person is at an airport, seaport or international railway station for purposes other than travel (eg, workers at an airport or people meeting passengers) then **Schedule 7 powers cannot be used.**

2.3 Unique Features of Schedule 7

2.3.1 Features of Schedule 7

Schedule 7 of the Terrorism Act 2000 provides specific powers to stop, question, search and if necessary, detain a person. The procedure is referred to as an examination. The person who carries out the examination is known as an examining officer.

Unlike many other powers, Schedule 7 provides police officers with the power to stop, question, search and, if necessary, detain persons **without the need for any suspicion or prior authority.**

Officers exercising these powers must comply with **Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice** that accompanies the legislation. It provides guidance to examining officers and puts safeguards in place to protect both the public and police officers. It should be available for the public to consult at all ports where the powers are used; it is also available on the Home Office website: <http://security.homeoffice.gov.uk/news-publications/publication-search/terrorism-act-2000/Code-of-Practice-for-Exam1.pdf>

2.3.2 Uniform

There is no requirement for police officers to be in uniform to exercise these powers. They will usually, but not always, wear civilian clothes. This is an operational decision for each force.

2.3.3 United Kingdom Border Agency

In exceptional cases, UKBA officers (who perform immigration and customs functions at ports) may act as examining officers. Such officers must also comply with **Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice.**

2.3.4 Considerations

Examining officers must take into account that many people selected for examination using Schedule 7 powers will be entirely innocent of any unlawful activity. Examining officers should make every reasonable effort to exercise the powers in such a way as to minimise embarrassment or offence to a person who is being questioned. Any questioning beyond initial screening should take place out of public view and hearing. The views and needs of the person being examined should be sought regarding the level of privacy they desire for questioning or a search, and these views should be balanced with the operational circumstances.

Officers should explain that the reason for the examination is to determine whether or not the person is involved in the commission, preparation or instigation of acts of terrorism. The powers must be used proportionately, responsibly and without unlawful discrimination. Everyone must be treated in a respectful and courteous manner.

A person being examined under Schedule 7 need not be cautioned for the purposes of an examination.

2.3.5 Legal Duties of People Searched

Persons examined under Schedule 7 are under a legal duty to provide any documents or information that the examining officer requests. The person examined may be asked to:

- Give any information in his or her possession which the examining officer requests;
- Provide the examining officer with either a valid passport that includes a photograph or another document which satisfactorily establishes his or her identity;
- Declare whether he or she has with them documents of a kind specified by the examining officer;
- Give the examining officer on request any document which he or she has with them and which is of a kind specified by the officer.

Information requested by an examining officer may include passwords or Personal Identification Numbers (PINs) to electronic data devices that the person being examined has with them.

Examining officers must give the person concerned a reasonable opportunity to produce the required documents. Officers should be mindful that some travellers may not be carrying a passport, for example, those travelling within the Common Travel Area, or by air within the United Kingdom. An examining officer may, nonetheless, inspect a passport if one is carried by the person concerned.

If the person being examined deliberately fails to comply with any of these requirements, they commit an offence under paragraph 18(1) of Schedule 7 of the Terrorism Act 2000.

3

Schedule 7 Examination

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3.1 Selection for Examination

3.1.1 Context

In recent years acts of terrorism aimed at people in the UK and against the UK's interests abroad have been carried out, or attempted, by people from many different backgrounds. The government's counter-terrorism strategy (CONTEST) explicitly describes the main sources of the threat to the UK on

http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf

Examining officers are not precluded from using CONTEST as a means of explaining their actions.

3.1.2 Initial Screening

It may not be possible for officers working at ports to know the identity, starting point or destination of a person who is travelling through a port or border area until they are stopped and questioned. Initial screening questions and the inspection of travel documents may, therefore, be necessary before an examining officer is able to determine if they need to question the person further or exercise other Schedule 7 powers.

There is no requirement for examining officers to make a record of such an encounter if it does not progress beyond initial screening questions. Initial screening questions may include, but not be limited to, those that seek to establish the identity, destination and provenance of the subject, details of their method of travel and the purpose of their travel.

Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice states that a Schedule 7 examination begins in circumstances where a person has been stopped and at the point at which any of the following occurs:

- More than initial screening questions are asked; **and/or**
- The person or vehicle is directed to another place for examination.

To avoid passenger or traffic congestion, a person or vehicle may be directed to another nearby place for screening questions. This does not constitute the beginning of an examination.

3.1.3 Selection Criteria

An examining officer's decision to exercise Schedule 7 powers should be based on the threat posed by terrorism inside and outside the United Kingdom. A number of factors will influence decision making. These may include, but are not limited to:

- Known and suspected sources of terrorism;
- Individuals or groups whose current or past involvement in acts or threats of terrorism is known or suspected;
- Known or suspected supporters or sponsors of terrorist activity;
- Any information on the origins and location of terrorist groups;
- Possible current, emerging and future terrorist activity;
- Emerging trends or patterns of travel through specific ports or in the wider force area that may be linked to terrorist activity.

Examining officers must take particular care to ensure that the selection of people for examination is not based solely on their perceived ethnic background or religion. The powers must be exercised in a manner that does not discriminate against anyone on the grounds of race, religion or belief, gender, age, disability or sexual orientation; to do so would be unlawful.

Officers should be aware that the way in which people are selected has a potentially far-reaching effect on the public and their acceptance of counter-terrorism powers. Misuse of the powers can damage the relationship between the police and sections of the public.

3.2 Conduct of an Examination

3.2.1 Good Practice

Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice for examining officers sets out how examinations should be conducted. The following key points reflect and build upon that code and should be considered as good practice.

- Explain to the individual that the examination is part of counter-terrorism policing at the port/UK border and does not necessarily mean that they are suspected of being involved in terrorism.
- Tell people selected for examination that the reason for the examination is to determine whether or not they are involved in the commission, preparation or instigation of acts of terrorism.

continued overleaf

- Explain their role.
- If not in uniform, have force identification readily available.
- Either verbally or in writing, explain that the person is being examined under Schedule 7 of the Terrorism Act 2000.
- Either verbally or in writing, explain that the examining officer has the power to detain them should they refuse to cooperate and try to leave.
- Remain polite at all times and treat the person with respect and dignity.
- Take into account the special needs of juveniles, other vulnerable individuals or groups and those who may not speak or understand English – considerations may include, for example, the use of telephone interpretation services, large print documents or appropriate adults.
- Take into account any concerns that the person stopped may have. This applies particularly in connection with the removal of some items of clothing or the handling of certain items, for example, the removal of headgear or in handling items of religious significance.
- Be mindful regarding the use of search dogs and take all practical steps to minimise the risk of offence, for example, officers may consider allowing the subject to remove an item of particular religious significance for closer inspection before a search with a dog.
- Make every reasonable effort to minimise embarrassment or the risk of offence to a person who is being questioned or searched. Any questioning that goes beyond initial screening or intrusive searches should take place out of public view and hearing.
- Police officers conducting examinations should provide their force identifying number if requested by the person being examined. If not in uniform, officers should show an identity card displaying their organisation and identifying number as a minimum.

3.3 Records of Examinations

3.3.1 Recording Requirements

A record of a person being stopped under Schedule 7 Terrorism Act 2000 must be made in all cases that go beyond initial screening questions or where the person or their vehicle is directed to another place for examination. A record should be made by the examining officer as soon as is practicable after the examination has been concluded.

All records of Schedule 7 Terrorism Act examinations made should be handled in accordance with **ACPO (forthcoming) Guidance on the Management of Police Information, Second Edition**.

Police forces should, as a minimum:

- Record examinations locally at a port or border area or police station in case of a complaint or query;
- Ensure that records of all examinations lasting one hour or more are held centrally for statistical purposes, as specified by **Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice**.

Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice defines the minimum information officers are required to record as:

- The name of the person examined;
- The total duration of the examination — including whether the person was detained;
- If the person was detained, when the detention began and ended.

In addition to the requirements of **Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice**, police forces are strongly recommended to record the self-defined ethnicity of people examined for national police audit purposes. These records should be readily retrievable.

Officers should consider advising those persons examined that any record kept of their examination is not a criminal record and they do not need to disclose it under any circumstances.

3.4 Examination Time Limits

3.4.1 Maximum Time for Examinations

The maximum time permitted for examinations and detention under Schedule 7 of the Terrorism Act 2000 is nine hours. The examining officer must keep the length of the examination to the minimum required.

3.4.2 Explanatory Notice of Examinations

Once an examination has lasted one hour then the examining officer should serve an explanatory Notice of Examination (TACT 1) and explain its content to the person being examined. However, an officer can serve the notice and provide an explanation for it before one hour if they feel it would be helpful to the individual concerned, or it is appropriate in the circumstances.

TACT 1 forms should be available in a number of languages.

3.4.3 End of Examinations

An examination must cease, and the examinee must be informed that it has ceased, once it has been ascertained that the person being examined does not appear to have been concerned in the commission, preparation or instigation of acts of terrorism.

There is nothing to prevent officers speaking further to a subject, provided that the person is willing to do so. The person concerned must, however, be advised that the examination has been concluded and they are being asked to remain voluntarily with the examining officer.

Once the maximum permitted nine-hour examination period has elapsed, the person being examined must be arrested or released from examination. Any other offences that may have been uncovered during the examination must be dealt with under other appropriate legislation. In some circumstances other police powers may be used to continue questioning the subject.

If, within the maximum permitted nine-hour period, the examining officer determines that the person being examined is or has been concerned in the commission, preparation or instigation of acts of terrorism, then they should be arrested and cautioned using section 41 of the Terrorism Act 2000. Section 41(1) of the Terrorism Act 2000 allows a constable to arrest, without warrant, a person he or she reasonably suspects to be a terrorist.

Officers should provide a Schedule 7 public information leaflet at the conclusion of the examination if one was not provided during it.

Complaints arising from any Schedule 7 activity should be dealt with in accordance with local force policy.

4

Searches, Seizure and Retention of Property

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4.1 Searches

4.1.1 Extent of Powers

No suspicion or prior authority is required for a search at a port or border area for the purpose of determining involvement in the commission, preparation or instigation of acts of terrorism. The examining officer may:

- Search the person.
- Search anything the person has with them (including a vehicle) or which belongs to them and which is on a ship, aircraft or international train.
- Search anything that the person has with them or which belongs to them and which the examining officer reasonably believes has been, or is about to be, on a ship, aircraft or international train (this includes a vehicle). It also includes property that the person has travelled with but which may not be immediately with them, eg, luggage yet to be collected from a luggage carousel.
- Search a ship, aircraft or international train for anything that the person has with them or belongs to them.
- Search unattended goods and freight that have arrived in or are about to leave the UK.
- For the purpose of determining if there are any persons whom an examining officer may wish to question under Schedule 7, an examining officer may search a ship, aircraft or international train that has arrived in the UK or is about to leave the UK.

4.1.2 Headwear and Footwear

Unlike many other police powers, Schedule 7 of the Terrorism Act 2000 places no restriction on the removal of headgear or footwear in public. Officers must, however, remain aware of concerns that may be connected with the removal of some items of clothing, as well as the need to minimise potential embarrassment or offence. Searches of people should take place out of the view of the public.

4.1.3 Gender Considerations

A search of a person should be carried out by someone of the same gender. A baggage search does not have to be carried out by someone of the same gender. Examining officers should, however, be aware that some items in baggage and personal belongings may cause embarrassment to the examinee. They should ask the person if they would prefer that their personal belongings are examined in private.

If there is an objection to an examining officer of another gender searching baggage, this search should be undertaken by an examining officer of the same gender where it is reasonably practical to do so. Where it is not reasonably practical for an examining officer of the same gender to search baggage or personal belongings, the examining officer should record the objection in writing in accordance with ***Home Office (2009) Examining Officers under the Terrorism Act 2000 Code of Practice***, but may proceed with the search.

All searches of baggage and belongings must be undertaken in a respectful and careful manner.

4.1.4 Use of Force

An examining officer may use reasonable force to carry out the search. They may also authorise another person to search on their behalf. Once authorised, that other person can, if necessary, use reasonable force to search.

4.1.5 Safety Considerations

Officers and other people authorised to undertake searches should always consider their own safety and the health and safety of others. They should have an appropriate level of personal safety training and be in possession of personal protective equipment in line with local risk assessments. Those carrying out searches should use approved tactics to keep themselves and the public safe. For further information on personal safety training, see ***ACPO (2009) Guidance on Personal Safety Training***.

The probability of stopping a terrorist en route to carry out an attack and in possession of a live explosive device is low. Should such a situation occur, however, there are significant safety considerations to be taken into account. For further information see ***ACPO (2009) Manual of Guidance on the Management Command and Deployment of Armed Officers*** and ***ACPO (2007) Guidance on Counter-Terrorism Search Matters***.

4.1.6 Notice of Search

Requirements under the Police and Criminal Evidence Act 1984 Code A, regarding the recording and the issue of search forms to a person being searched, do not apply to searches carried out under Schedule 7 of the Terrorism Act 2000. Consequently, there is no requirement for any Notice of Search to be provided for the search of that person, their vehicle or belongings, or any vessel, aircraft or international train.

4.1.7 Offences other than Terrorism

Where a Schedule 7 examination search does not reveal evidence that the subject is or has been concerned in the commission, preparation or instigation of acts of terrorism, but does result in examining officers recovering items related to other crime, or forming reasonable suspicion of other offences, then the examining officer should ensure that this is dealt with and recorded in accordance with local force policy.

4.2 Seizure and Retention of Property

In most cases property will be returned to the examinee at the conclusion of the examination. An examining officer may, however, seize and detain anything which is given to them during the examination or which is found during the search:

- For a period not exceeding seven days beginning with the day on which the property was seized for the purpose of examination;
- Where it is believed it may be required as evidence in any criminal proceedings;
- Where it may be needed in connection with a decision by the Secretary of State on whether to make a deportation order under the Immigration Act 1971.

Any property seized should be managed in accordance with local force policy.

5

Rights and Welfare

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5.1 Examining Officers' Responsibilities

The examining officer is responsible for the welfare of the person being examined. Where a person's examination is protracted or is thought likely to be protracted, the examining officer should make arrangements to ensure that the person has the opportunity for breaks and refreshments at regular intervals. Specific requirements should also be taken into account, for example, by providing time to pray. However, this should not unduly delay the examination.

5.2 Persons not Detained

A person being examined and **who has not been detained** may make the following **requests**:

- To have a friend, relative or someone known to them, or likely to take an interest in their welfare, informed that they are being questioned and of where the examination is taking place;
- To consult in person, or in writing or on the telephone, privately with a solicitor. Examination will not be delayed pending the arrival of a solicitor. This request can be made at any time while being questioned. Consultation with a solicitor **will not** be at public expense.

The person being examined, however, **does not have a right** to have someone informed or to contact a solicitor while being examined; this will be at the discretion of the examining officer.

5.3 Persons Detained

A person being examined and **who has been detained** has the following **rights**:

- To have a friend, relative or someone known to them, or likely to take an interest in their welfare, informed that they are being questioned and of where the examination is taking place;
- To consult in person, or in writing or on the telephone, privately with a solicitor. Examination will not be delayed pending the arrival of a solicitor. This request can be made at any time while being questioned. Consultation with a solicitor **will not** be at public expense.

The requests for these rights may only be delayed if the person has been detained at a police station and the delay has been authorised by an officer of at least the rank of superintendent.

Whether or not the person has been detained, the examining officer is responsible for facilitating the request for legal advice.

6

Detention

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6.1 Detention

The option of detention is available during an examination. Detention in this context is not the same as arrest. Most examinations are not likely to require that a person is detained. Detention may be appropriate if the person being examined becomes uncooperative and insists on trying to leave. Detention is an option to compel the person to remain with the examining officer at the port or border area, and allows reasonable force to be used if necessary, for the officer to complete the examination.

Force cannot be used in order to compel the examinee to answer any questions posed.

Detention may also be necessary if, for any reason, the examining officer cannot complete the examination at a port and it is necessary to take the subject to another place. Where a person is detained under Schedule 7, they may be taken by an examining officer, or a person acting under an examining officer's authority, to and from any place where their attendance is required for the purpose of:

- Their examination under that Schedule;
- Establishing their nationality or citizenship;
- Making arrangements for their admission to a country or territory outside the United Kingdom.

6.2 Notice of Detention Form (TACT 2)

A Notice of Detention (TACT 2) should be served by the examining officer on the person who has been detained. This document sets out the rights of the person detained. The examining officer should explain its contents to the person being examined.

TACT 2 forms should be available in a number of languages and used as appropriate.

The detained person should be reminded that wilful failure to comply with any duty imposed by Schedule 7 is a criminal offence under paragraph 18(1) of Schedule 7 of the Act.

A detained person shall be deemed to be in legal custody throughout the period of their detention. Part 1 to Schedule 8 of the Terrorism Act 2000 sets out the rights and treatment required for people detained under the Act.

6.3 Record of Detention

Officers should refer to their local force policy in relation to whether an electronic, handwritten or any other form of record of detention needs to be completed. See **ACPO (forthcoming) Practice Advice on Terrorism Act 2000 Detainees**.

6.4 Audio Recording

Where the detained person has been taken to a police station to continue their examination, further questioning must be audio recorded in accordance with **Home Office (2001) Code of Practice for the Audio Recording of Interviews under the Terrorism Act 2000**.

6.5 Time Limits

No combination of examination and detention can exceed nine hours.

7

Strip Searches

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7.1 Strip Searches

Strip searches involve the removal of more than outer clothing and should not be routinely undertaken. They may only be conducted if the subject has been detained. They must not include an intimate search of body orifices (other than the mouth). Strip searches may be conducted at a port; there must be reasonable grounds to suspect the person has something concealed that may be evidence that they are a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism, or where it is suspected that they are in possession of an article that may have been used for such purposes.

7.2 Conduct of Strip Searches

Although not bound by the provisions of the Police and Criminal Evidence Act 1984 Code A, the procedures that should be followed for a strip search are similar to the requirements set out in that code.

When conducting strip searches, officers should comply with the Human Rights Act 1998, in particular:

- Article 3, Prohibition of torture, inhumane or degrading treatment;
- Article 8, Right to respect for private life;
- Article 14, Prohibition of discrimination.

The examining officer conducting a strip search should be the same gender as the person being searched.

The search must take place in an area where the person being searched cannot be seen by anyone who does not need to be present (including officers not involved in the search), nor by a member of the opposite sex (except an appropriate adult whose presence has been specifically requested by the person being searched).

The search should be conducted with proper regard to the sensitivity and vulnerability of the person concerned in these circumstances, and every reasonable effort should be made to secure the person's cooperation and to minimise embarrassment.

Except in urgent cases, where there is a risk of serious harm to the person being searched or to others, and whenever a strip search involves the exposure of intimate parts of the body, there should be at least two people present – other than the person being searched.

People who are strip searched should not normally be required to remove all their clothes at the same time. For example, a man should be allowed to put on his shirt before removing his trousers and a woman should be allowed to put on her blouse and upper garments before further clothing is removed.

A strip search should be conducted as quickly as possible and the person allowed to dress as soon as the procedure is complete.

Note: Officers should bear in mind that some people identify themselves as a different gender from that shown on their passport or other documentation. Consideration should be given to the person's wishes in relation to the gender of the officer searching them. Officers should follow local force policy in relation to transgender people. Searching officers should be mindful that a strip search may have a greater effect on a person who is transsexual or transgender than on someone who is not.

7.3 Children and Vulnerable Adults

If the search is of a child, an adult with learning difficulties or a person or with mental health problems, one of the people present should be an appropriate adult.

A search of a child may take place in the absence of the appropriate adult only if the child signifies, in the presence of the appropriate adult, that they would prefer the search to be conducted in the appropriate adult's absence and the appropriate adult agrees. A record should be made of the child's decision and this must be signed by the appropriate adult. The presence of more than two officers and an appropriate adult should only be permitted in the most exceptional of circumstances.

If the situation is **urgent** and there is a **risk of serious harm** a strip search of a child can take place without an appropriate adult being present.

7.4 Records of Strip Searches

A record should be made of the strip search, including the reason why it was necessary, details of those present and the outcome of the search. **This record is in addition to the requirements for recording the Schedule 7 examination.**

Records of such searches should be readily retrievable. Officers should refer to local force policies on this subject.

8

Fingerprints, Samples and Identification

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8.1 Powers to take Fingerprints and Samples

Once a person has been detained, an 'authorised person', as defined by Schedule 8 section 2(2), may take any steps that are reasonably necessary for photographing, measuring or identifying that person, but this does not provide a power to take fingerprints or samples. Authorised person includes examining officers. However, **only an examining officer who is a constable** has the power to take fingerprints and samples for the purpose of a Schedule 7 examination.

The taking of fingerprints and samples may be necessary in order to establish if the person being examined is, or has been, concerned in the commission, preparation or instigation of acts of terrorism.

Fingerprints and samples cannot be taken unless a person has been detained. However, a person cannot be detained solely for the taking of fingerprints and/or samples. The detention must be for the purpose of exercising the power to question the person in order to establish any involvement in the commission, preparation or instigation of acts of terrorism. In furtherance of an examination, the examining officer may deem it necessary to take fingerprints and/or samples from the person detained.

8.2 Fingerprints and Samples

Fingerprints and samples may be taken at a port provided the detained person gives their written consent. If the detained person refuses to give such written consent and fingerprints and non-intimate samples are required, the detained person must be taken to a police station and a police officer of at least the rank of superintendent must authorise the taking of fingerprints and non-intimate samples.

8.3 Intimate and Non-Intimate Samples

The taking of intimate samples must be done at a police station with the written consent of the detained person and authorisation by a police officer of at least the rank of superintendent.

Other than a sample of urine, intimate samples may only be taken by a registered medical practitioner who acts on the authority of a constable. A dental impression should only be taken by a registered dentist who also acts on the authority of a constable.

Intimate and non-intimate samples have the meaning given to them by the Police and Criminal Evidence Act 1984, Code D. In Scotland, the Criminal Procedure (Scotland) Act 1995 section 18, as amended by the Terrorism Act 2000 Schedule 8 section 20(2), applies.

Note: Police staff or examining officers who are not police officers may not take fingerprints or non-intimate samples as part of a Schedule 7 examination or detention.

9

Management Responsibilities

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9.1 Management Responsibilities

Managers need to ensure that all powers used under Schedule 7 are applied only to determine whether a person is, or has been, involved in the commission, preparation and instigation of acts of terrorism. These powers should not be used for any other purpose. Briefings to examining officers must not direct, or imply, that a Schedule 7 examination should be conducted for any reason unconnected to terrorism. Managers should ensure that officers are fully briefed and aware of other powers of stop and search that may be available in some circumstances.

Schedule 7 Terrorism Act powers are unique in that they require no prior authority or reasonable suspicion. They should, therefore, only be used by officers who have been provided with clear information and instruction regarding their use.

Examining officers and managers should remember that all interactions with the public at ports must be carried out to a high standard. This is essential for maintaining public confidence.

9.2 Public Information Leaflet and Posters

Examining officers should give an explanatory Schedule 7 public information leaflet to those examined. Officers may also consider giving leaflets to other people if they feel that it would be appropriate to do so. For a recommended form of words see **Appendix 2**.

Posters providing information for the public concerning Schedule 7 Terrorism Act legislation should be displayed in ports where the powers are exercised.

9.3 Data Recording

Managers must ensure the recording of data is in accordance with that described in Section 8 of this document. This information will enable the effective oversight of the use of Schedule 7 powers.

While the number of examinations recorded at a port may be useful as an indicator of police activity, this should not be used as a measure of effective performance. Managers should ensure that assessment of Schedule 7 activity is qualitative and that the powers are being used appropriately and effectively. Examinations should be intelligence led and arbitrary quotas for stops and examinations should not be set.

Appendix 1

Schedule 7 of the Terrorism Act 2000

Interpretation

1 (1) In this Schedule 'examining officer' means any of the following –

- (a) a constable;
- (b) an immigration officer; and
- (c) a customs officer who is designated for the purpose of this Schedule by the Secretary of State and the Commissioners of Customs and Excise.

(2) In this Schedule –

- 'the border area' has the meaning given by paragraph 4;
- 'captain' means master of a ship or commander of an aircraft;
- 'port' includes an airport and a hoverport;
- 'ship' includes a hovercraft; and
- 'vehicle' includes a train.

(3) A place shall be treated as a port for the purposes of this Schedule in relation to a person if an examining officer believes that 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.

Power to Stop, Question and Detain

2 (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he appears to be a person falling within section 40(1)(b).

(2) This paragraph applies to a person if –

- (a) he is at a port or in the border area; and
- (b) the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland.

(3) This paragraph also applies to a person on a ship or aircraft which has arrived in Great Britain or Northern Ireland.

(4) An examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).

3 An examining officer may question a person who is in the border area for the purpose of determining whether his presence in the area is connected with his entering or leaving Northern Ireland.

4 (1) A place in Northern Ireland is within the border area for the purposes of paragraphs 2 and 3 if it is no more than one mile from the border between Northern Ireland and the Republic of Ireland.

(2) If a train goes from the Republic of Ireland to Northern Ireland, the first place in Northern Ireland at which it stops for the purpose of allowing passengers to leave is within the border area for the purposes of paragraphs 2 and 3.

5 A person who is questioned under paragraph 2 or 3 must –

- (a) give the examining officer any information in his possession which the officer requests;
- (b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes his identity;
- (c) declare whether he has with him documents of a kind specified by the examining officer;
- (d) give the examining officer on request any document which he has with him and which is of a kind specified by the officer.

6 (1) For the purposes of exercising a power under paragraph 2 or 3 an examining officer may –

- (a) stop a person or vehicle;
- (b) detain a person.

(2) For the purpose of detaining a person under this paragraph, an examining officer may authorise the person's removal from a ship, aircraft or vehicle.

(3) Where a person is detained under this paragraph the provisions of Part I of Schedule 8 (treatment) shall apply.

(4) A person detained under this paragraph shall (unless detained under any other power) be released not later than the end of the period of nine hours beginning with the time when his examination begins.

Searches

7 For the purpose of satisfying himself whether there are any persons whom he may wish to question under paragraph 2 an examining officer may –

- (a) search a ship or aircraft;
- (b) search anything on a ship or aircraft;
- (c) search anything which he reasonably believes has been, or is about to be, on a ship or aircraft.

8 (1) An examining officer who questions a person under paragraph 2 may, for the purpose of determining whether he falls within section 40(1)(b) –

- (a) search the person;
- (b) search anything which he has with him, or which belongs to him, and which is on a ship or aircraft;
- (c) search anything which he has with him, or which belongs to him, and which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft;
- (d) search a ship or aircraft for anything falling within paragraph (b).

(2) Where an examining officer questions a person in the border area under paragraph 2 he may (in addition to the matters specified in sub-paragraph (1)), for the purpose of determining whether the person falls within section 40(1)(b) –

- (a) search a vehicle;
- (b) search anything in or on a vehicle;
- (c) search anything which he reasonably believes has been, or is about to be, in or on a vehicle.

(3) A search of a person under this paragraph must be carried out by someone of the same sex.

9 (1) An examining officer may examine goods to which this paragraph applies for the purpose of determining whether they have been used in the commission, preparation or instigation of acts of terrorism.

(2) This paragraph applies to goods which have arrived in or are about to leave Great Britain or Northern Ireland on a ship, aircraft or vehicle.

(3) In this paragraph ‘goods’ includes –
(a) property of any description; and
(b) containers.

(4) An examining officer may board a ship or aircraft or enter a vehicle for the purpose of determining whether to exercise his power under this paragraph.

10 (1) An examining officer may authorise a person to carry out on his behalf a search or examination under any of paragraphs 7 to 9.

(2) A person authorised under this paragraph shall be treated as an examining officer for the purposes of –
(a) paragraphs 9(4) and 11 of this Schedule; and
(b) paragraphs 2 and 3 of Schedule 14.

Detention of Property

- 11** (1) This paragraph applies to anything which –
- (a) is given to an examining officer in accordance with paragraph 5(d),
 - (b) is searched or found on a search under paragraph 8, or
 - (c) is examined under paragraph 9.
- (2) An examining officer may detain the thing –
- (a) for the purpose of examination, for a period not exceeding seven days beginning with the day on which the detention commences;
 - (b) while he believes that it may be needed for use as evidence in criminal proceedings; or
 - (c) while he believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the [1971 c 77] Immigration Act 1971.

Designated Ports

- 12** (1) This paragraph applies to a journey –
- (a) to Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands;
 - (b) from Great Britain to any of those places;
 - (c) to Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands; or
 - (d) from Northern Ireland to any of those places.
- (2) Where a ship or aircraft is employed to carry passengers for reward on a journey to which this paragraph applies the owners or agents of the ship or aircraft shall not arrange for it to call at a port in Great Britain or Northern Ireland for the purpose of disembarking or embarking passengers unless –
- (a) the port is a designated port; or
 - (b) an examining officer approves the arrangement.
- (3) Where an aircraft is employed on a journey to which this paragraph applies otherwise than to carry passengers for reward, the captain of the aircraft shall not permit it to call at or leave a port in Great Britain or Northern Ireland unless –
- (a) the port is a designated port; or
 - (b) he gives at least 12 hours' notice in writing to a constable for the police area in which the port is situated (or, where the port is in Northern Ireland, to a member of the Royal Ulster Constabulary).

(4) A designated port is a port which appears in Table 1 at the end of this schedule.

- (5) The Secretary of State may by order –
- (a) add an entry to Table 1;
 - (b) remove an entry from Table 1.

Embarkation and Disembarkation

13 (1) The Secretary of State may by notice in writing to the owners or agents of ships or aircraft –

- (a) designate control areas in any port in the United Kingdom;
- (b) specify conditions for or restrictions on the embarkation or disembarkation of passengers in a control area.

(2) Where owners or agents of a ship or aircraft receive notice under sub-paragraph (1) in relation to a port they shall take all reasonable steps to ensure, in respect of the ship or aircraft –

- (a) that passengers do not embark or disembark at the port outside a control area; and
- (b) that any specified conditions are met and any specified restrictions are complied with.

14 (1) The Secretary of State may by notice in writing to persons concerned with the management of a port in the United Kingdom ('the port managers') –

- (a) designate control areas in the port;
- (b) require the port managers to provide at their own expense specified facilities in a control area for the purposes of the embarkation or disembarkation of passengers or their examination under this schedule;
- (c) require conditions to be met and restrictions to be complied with in relation to the embarkation or disembarkation of passengers in a control area;
- (d) require the port managers to display, in specified locations in control areas, notices containing specified information about the provisions of this Schedule in such form as may be specified.

(2) Where port managers receive notice under sub-paragraph (1) they shall take all reasonable steps to comply with any requirement set out in the notice.

15 (1) This paragraph applies to a ship employed to carry passengers for reward, or an aircraft, which –

- (a) arrives in Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands;
- (b) arrives in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands;
- (c) leaves Great Britain for the Republic of Ireland, Northern Ireland or any of the Islands; or
- (d) leaves Northern Ireland for Great Britain, the Republic of Ireland or any of the Islands.

(2) The captain shall ensure –

- (a) that passengers and members of the crew do not disembark at a port in Great Britain or Northern Ireland unless either they have been examined by an examining officer or they disembark in accordance with arrangements approved by an examining officer;
- (b) that passengers and members of the crew do not embark at a port in Great Britain or Northern Ireland except in accordance with arrangements approved by an examining officer;
- (c) where a person is to be examined under this Schedule on board the ship or aircraft, that he is presented for examination in an orderly manner.

(3) Where paragraph 27 of Schedule 2 to the [1971 c 77] Immigration Act 1971 (disembarkation requirements on arrival in the United Kingdom) applies, the requirements of sub-paragraph (2)(a) above are in addition to the requirements of paragraph 27 of that Schedule.

Carding

16 (1) The Secretary of State may by order make provision requiring a person to whom this paragraph applies, if required to do so by an examining officer, to complete and produce to the officer a card containing such information in such form as the order may specify.

(2) An order under this paragraph may require the owners or agents of a ship or aircraft employed to carry passengers for reward to supply their passengers with cards in the form required by virtue of sub-paragraph (1).

- (3) This paragraph applies to a person –
- (a) who disembarks in Great Britain from a ship or aircraft which has come from the Republic of Ireland, Northern Ireland or any of the Islands;
 - (b) who disembarks in Northern Ireland from a ship or aircraft which has come from Great Britain, the Republic of Ireland, or any of the Islands;
 - (c) who embarks in Great Britain on a ship or aircraft which is going to the Republic of Ireland, Northern Ireland or any of the Islands; or
 - (d) who embarks in Northern Ireland on a ship or aircraft which is going to Great Britain, the Republic of Ireland or any of the Islands.

Provision of Passenger Information

- 17** (1) This paragraph applies to a ship or aircraft which –
- (a) arrives or is expected to arrive in Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands; or
 - (b) arrives or is expected to arrive in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands.
- (2) If an examining officer gives the owners or agents of a ship or aircraft to which this paragraph applies a written request to provide specified information, the owners or agents shall comply with the request as soon as is reasonably practicable.
- (3) A request to an owner or agent may relate –
- (a) to a particular ship or aircraft;
 - (b) to all ships or aircraft of the owner or agent to which this paragraph applies; or
 - (c) to specified ships or aircraft.
- (4) Information may be specified in a request only if it is of a kind which is prescribed by order of the Secretary of State and which relates –
- (a) to passengers;
 - (b) to crew; or
 - (c) to vehicles belonging to passengers or crew.
- (5) A passenger or member of the crew on a ship or aircraft shall give the captain any information required for the purpose of enabling the owners or agents to comply with a request under this paragraph.

(6) Sub-paragraphs (2) and (5) shall not require the provision of information which is required to be provided under or by virtue of paragraph 27(2) or 27B of Schedule 2 to the [1971 c 77] Immigration Act 1971.

Offences

- 18** (1) A person commits an offence if he –
- (a) wilfully fails to comply with a duty imposed under or by virtue of this schedule;
 - (b) wilfully contravenes a prohibition imposed under or by virtue of this Schedule; or
 - (c) wilfully obstructs, or seeks to frustrate, a search or examination under or by virtue of this Schedule.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to –

- (a) imprisonment for a term not exceeding three months;
- (b) a fine not exceeding level 4 on the standard scale; or
- (c) both.

Table 1
Designated Ports

Great Britain

Seaports	Airports
Ardrossan	Aberdeen
Cairnryan	Biggin Hill
Campbeltown	Birmingham
Fishguard	Blackpool
Fleetwood	Bournemouth (Hurn)
Heysham	Bristol
Holyhead	Cambridge
Pembroke Dock	Cardiff
Plymouth	Carlisle
Poole Harbour	Coventry
Port of Liverpool	East Midlands
Portsmouth Continental Ferry Port	Edinburgh
Southampton	Exeter
	Glasgow

Table 1
Designated Ports
(continued)

Great Britain

Seaports	Airports
Stranraer	Gloucester/Cheltenham (Staverton)
Swansea	Humber-side
Torquay	Leeds/Bradford
Troon	Liverpool
Weymouth	London-City
	London-Gatwick
	London-Heathrow
	Luton
	Lydd
	Manchester
	Manston
	Newcastle
	Norwich
	Plymouth
	Prestwick
	Sheffield City
	Southampton
	Southend
	Stansted
	Teesside (now renamed Durham Tees Valley)

Northern Ireland

Seaports	Airports
Ballycastle	Belfast City
Belfast	Belfast International
Larne	City of Derry
Port of Londonderry	
Warrenpoint	

Appendix 2

Public Information Leaflet

Templates for this leaflet can be obtained from the ACPO (TAM) Office of the National Coordinator PROTECT.

[Insert
Force
badge or crest]

Information on the use of UK Terrorism Legislation at Ports

Schedule 7 Terrorism Act 2000

Police officers at ports play a key role in countering the current terrorist threat and have powers under Schedule 7 of the Terrorism Act 2000 to stop, question, search and if necessary, detain people entering or leaving the UK. This also applies to those travelling *within* the UK on board a ship or aircraft.

Terrorists need to travel in order to plan, prepare and commit their crimes. The legislation is used by police officers to determine whether a person appears to be (or has been) concerned in terrorism. When it extends beyond a short encounter this process is commonly known as an **examination**.

Our overriding priority is to keep the public safe by working together with all our communities to defeat terrorism.

1

This leaflet provides answers to some frequently asked questions regarding Police interventions at ports:

Our powers to stop and question you come from Schedule 7 of the Terrorism Act 2000. The use of this legislation is regularly and independently reviewed. The legislation is unique and applies only at a port or border area. Some people may find being stopped by the police inconvenient and embarrassing, but we have a duty to protect our communities from terrorism and your patience and understanding helps us to do this.

Who has stopped me?

Police officers from [*Police Force*] have stopped you. They work at the port to help protect our borders and to keep the UK safe. These officers do not have to give you their names. They will give you their force identification number if you request it. You may also be stopped under other legislation by staff from the UK Border Agency or other government enforcement agency.

Why have I been stopped?

Unlike most other police powers, the power to stop, question, search and, if necessary, detain persons under Schedule 7 does not require prior authority or any suspicion that the person stopped is involved in terrorism.

2

There is a Code of Practice the police adhere to. You can ask the officer to see it, or get a copy from the Home Office website:

<http://security.homeoffice.gov.uk/news-publications/publication-search/terrorism-act-2000/Code-of-Practice-for-Examin1.pdf>

Why have you asked for my passport?

This is so that you can be identified. Other forms of documentation that can positively identify you may also be acceptable. You must also give the officer any other documents or information they request.

Can you search me or my luggage?

Yes, you can be searched, together with anything you have with you or belonging to you that is on an aircraft, ship or train, including any vehicle you might be travelling in. The officer can also search anything belonging to you which may have been, or is about to go, on a ship, aircraft, or international train. The officer can seize any property they find (see below).

How long can you keep my property?

Property is normally returned to you straight away, or at the conclusion of the examination. If this is not possible, documents and other belongings found during the search can be held for up to seven days for further examination. Property can be kept for longer where it may be required for use as part of a criminal investigation.

3

How long can you keep me?

Most examinations take only a short time, however the law allows for up to 9 hours. You can be detained for longer if you are arrested under other powers available to the officer. If this is the case, it will be explained to you. (During long periods, your personal needs will be considered, such as refreshments.)

What if I don't want to stay here or comply with any of the requests that you make of me?

A police officer has the power to detain you, using reasonable force if necessary. You commit an offence if you fail to comply with a request made by an officer under this legislation. This could result in a prison sentence, a fine or both.

What is my right to legal advice?

You can request legal advice at your own expense. Your examination will not be delayed pending the arrival of a solicitor and your failure to answer questions may constitute an offence. If you are formally detained under Schedule 7 powers, your rights will be explained to you.

Will a record be kept of my details?

The police are required to keep a record when their interaction with you extends beyond a short encounter. This is for statistical and reference purposes only and does not constitute any kind of criminal record.

Why wasn't I cautioned/given a notice of search?

Unlike many other police powers, when questioned under Schedule 7, you need not be cautioned. Where searches are made, there is no requirement for a written notice of a search to be provided to you.

Can you take my fingerprints, DNA and photograph?

Yes, in the circumstances set out under Schedule 8 of the Terrorism Act 2000.

Where can I complain about my treatment or find out more information?

[Police Force] welcomes any comments or concerns you may have about your experience during this process. Contact [Insert Force contact details]

Additional information may also be found on the following websites:

[Police Force website address]

Home Office website:
<http://security.homeoffice.gov.uk/news-publications/publication-search/terrorism-act-2000/Code-of-Practice-for-Examin1.pdf>

Independent Police Complaints Commission website:
<http://www.ipcc.gov.uk/>

Tackling Terrorism Together

[Police Force] acknowledges your support and cooperation. Everyone has a role to play in combating terrorism, not just the police.

The threat of terrorism is real and serious. Recent events have shown that a minority of people seek to attack the UK at any time and at any place without warning. [Police Force] has a key role in countering that threat and in maintaining national security.

Please remain alert and vigilant at all times. If you are suspicious about someone's behaviour or activities, or you have information that could relate to terrorist activity, please call the confidential Anti-Terrorist Hotline telephone number given below.



Text phone for people with speech or hearing difficulties 0800 032 4539

If you believe there is an immediate risk always dial 999 or 112

References

References

ACPO (2007) *Guidance on Counter-Terrorism Search Matters*.

ACPO (2008) *Practice Advice Stop & Search in Relation to Terrorism*. London: NPIA.

ACPO (2009) *Guidance on Personal Safety Training*. London: NPIA.

ACPO (2009) *Manual of Guidance on the Management Command and Deployment of Armed officers*. London: NPIA. [PDF only]

ACPO (forthcoming) *Guidance on the Management of Police Information*, Second Edition. London: NPIA.

ACPO (forthcoming) *Practice Advice on Terrorism Act 2000 Detainees*. London: NPIA.

HM Government (2009) *The United Kingdom's Strategy for Countering International Terrorism* [Internet]. London: TSO. (CM 7547). Available from http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf [Accessed 04 December 2009]

Home Office (2001) *Code of Practice for the Audio Recording of Interviews under the Terrorism Act 2000*. London: Home Office.

Home Office (2004) *Guidelines on Special Branch Work in the United Kingdom*. London: Home Office.

Home Office (2009) *Examining Officers under the Terrorism Act 2000 Code of Practice*. London: TSO.

Home Office (2009) *Counter-Terrorism Strategy* [Internet]. London: Home Office. Available from <http://security.homeoffice.gov.uk/counter-terrorism-strategy/> [Accessed 04 December 2009]

