

Summary of responses received to the Home Office consultation on the new Code of Practice governing the use of powers by police officers under sections 43 and 43A of the Terrorism Act 2000 and the authorisation and use of powers by police officers under section 47A of and Schedule 6B to the Terrorism Act 2000. 6 February – 1 April 2012

No.	Organisation	Response and purpose	Accept	Reason / Comment
1	Cageprisoners Ltd	Response provides a broader analysis of s.44 powers.	N/A	N/A
		Comment that while s.47A limits the powers, there is no publication of an authorisation afterwards.	No	The Code puts in place sufficiently robust arrangements for authorisation of the use of stop and search powers. Additionally, paragraph 5.5 of the new code seeks to ensure appropriate monitoring and supervision of the use these powers.
2	The Police Foundation	Response supports the emphasis placed on community engagement in the Code.	N/A	N/A
		Supports the required elements of tactical briefing within the Code but keen to see same elements further embedded across all officer training on stop and search.	No	Paragraph 4.10 of the Code (relating to briefing of police officers) reflects feedback and lessons learnt from the experience of the police' use of section 44 that directed and timely briefing before operational use is most effective in reducing the risk of misuse of the powers. That said, training is already available to the police in respect of police powers and interaction with members of the public.
		Raised concern in relation to the recording requirements for stop and search i.e. removal of requirement to record all stops which do not result in a search and a reduction in the number of fields to be completed upon a search.	No	The Police and Criminal Evidence Act 1984, Code of Practice A (stop and search) was amended on 7 March 2011 removing the requirement for all police forces in England and Wales to record 'stop and account' activity to balance accountability and bureaucracy in order to improve the quality and value of each stop. Requirements were amended as part of the Terrorism Act 2000 (Remedial) Order 2011 reflecting the changes to PACE Code A as above. The Code

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				emphasises the importance of monitoring and supervising the use of stop and search powers whilst reducing some recording requirements but upholding what is necessary to maintain effectiveness of these powers.
3	The Independent Police Complaints Commission	Welcome the introduction of the Code and the safeguards contained within the Code, including full briefing on use of the powers and ongoing monitoring of the use of the section 47A powers.	N/A	N/A
		Considers merit in stop and search training, including lessons learnt from colleagues or debriefs of relevant operations.	No	See 2 above.
		Welcomes the inclusion in the Code of section 4.13.1 which clarifies the use of stop and search powers in relation to photographers and journalists.	N/A	N/A
		Supportive of principles set out within the Code, particularly at paragraphs 5.1.1 and 5.2.1.	N/A	N/A
		Support provisions at paragraph 6.1 regarding communication with communities and suggest that positive involvement from communities can help forces in their handling of stop and search counter-terrorism operations.	N/A	Paragraph 6.1 enables forces to identify appropriate engagement opportunities.
4	The Association of	Generally supportive of the document	N/A	N/A

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	Police Authorities	believing it is clear and concise.		
		Response that the document refers to police authorities, stating it would be worth noting that the duty would transfer in late 2012 to the Office of Police and Crime Commissioner.	No	The Code cannot be written for planned organisational change. This would require an amendment once the change has been implemented.
		Paragraph 6.3.3 references the Mayor's Office for Policing and Crime, but no reference of this in paragraphs 1.2.5 or 1.2.8.	Yes	Paragraph 1.2.5 and 1.2.8 have been updated.
		Concerns raised over the recording requirements.	No	See 3 above.
		Response supports emphasis placed on community engagement.	N/A	N/A
5	General Public	The majority of responses from the general public were supportive comments on the Government's change to terrorism stop and search powers and were not directly relevant to the Code.	N/A	Not directly relevant to the Code of Practice.
		A limited number of responses commented on terrorism laws in general.	N/A	Not directly relevant to the Code of Practice.
		Powers under section 43 allow the police to search anything a person is carrying – revise to include anything a person is pushing.	No	Not necessary to make the change given the inference of carry is to hold or support which includes push.
		Concerns raised that changes in terrorism stop and search powers are driven by the	N/A	Changes to stop and search powers are a result of the Government's view that the Section 44 powers

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		political/civil liberty agenda.		were neither fair nor effective. This view was widely held in Parliament and by the public. The ECtHR ruling on <i>Gillan and Quinton</i> also found the powers to be 'not in accordance with the law'.