



Home Office

# Review of the Operation of Schedule 7: A Public Consultation

The Government Response

Home Office  
July 2013

## Overview of Consultation

1. Schedule 7 to the Terrorism Act 2000 ('Schedule 7') is a counter-terrorism port and border power. It enables an examining officer to stop, search, question and detain a person travelling through a port or airport or the border area. This is to determine whether that person is or has been involved in the commission, preparation or instigation of acts of terrorism. Stopping an individual does not necessarily mean that the officer believes the person is a terrorist.
2. The operation of examinations at ports and the border is an important part of the UK's counter-terrorism strategy but concerns have been expressed that it can operate unfairly. Our consultation sought views on possible improvements which can be made to Schedule 7. We would like to thank those who responded to this consultation. By doing so they will have helped to ensure that it is used effectively, fairly and proportionately.
3. After careful consideration of the responses we are proposing a number of amendments to the operation of Schedule 7. This will require changes to primary legislation and a new statutory Code of Practice for examining officers. We believe these changes will reduce potential for the powers to be operated in a way that may interfere with individuals' rights unnecessarily or disproportionately – whilst still retaining the operational effectiveness of the provisions to counter-terrorism and protect the public.
4. Amendments to Schedule 7 have been included in the Anti-social Behaviour, Crime and Policing Bill ('the Bill') which was introduced in Parliament on 9 May. Progress of the Bill can be tracked online<sup>1</sup>.

## Summary of responses

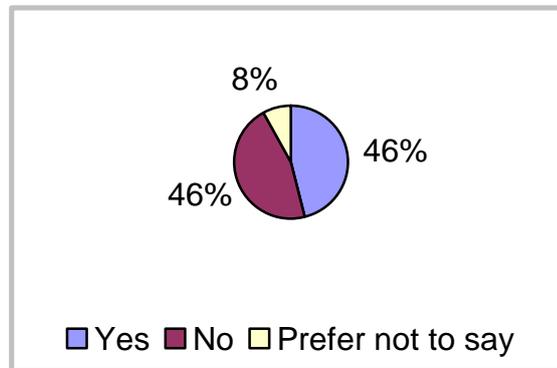
5. The consultation ran between 13 September and 6 December 2012. We received a large number of responses reflecting our decision to make the consultation available online. In total we received 395 responses: 361 online responses and 34 written responses. Most of the online responses were anonymous. 90% of responses were made by individuals and 10% of responses were made on behalf of organisations or groups.
6. To raise awareness of the consultation we wrote to police forces, legal organisations, industry groups and a wide range of community and faith groups. With the help of the police and local authorities we carried out a series of community engagement events throughout the UK – in Birmingham, Bradford, Gatwick, Manchester, Rotherham, Stirling, Tower Hamlets and Westminster.
7. We received detailed responses from representatives of law firms, interest and community groups, from representatives of the ports' industry, from public bodies and from police forces.
8. This document provides a summary of the responses received. The results of the online survey have been collated and can be summarised numerically. Not all of the written responses addressed the specific questions in the consultation document and instead presented overall views on Schedule 7. However where the written responses did answer a specific question these responses are included in the numerical responses where possible. Not all respondents addressed all the questions posed in the consultation document.

---

<sup>1</sup> <http://services.parliament.uk/bills/2013-14/antisocialbehaviourcrimeandpolicingbill.html>

9. We asked people responding to the online survey to detail whether they had personal experience of Schedule 7 either as a police officer using the power or as an individual who had either been stopped themselves or knew someone who had been. This helped us to put the response into context.

### **Schedule 7 powers are important for border security but can impact on the individual examined. Please tell us if you have personal experience of Schedule 7.**



10. There were 173 respondents who indicated some personal experience of Schedule 7 and 174 who indicated no personal experience. 31 respondents preferred not to say.

11. Of those respondents who indicated a personal experience of the operation of Schedule 7: 40 had experience of being examined; 93 as a police officer using or overseeing the use of Schedule 7; 2 as a legal practitioner and 30 as a friend or relative of someone who had been examined. The others preferred not to say.

12. Those respondents who identified themselves as police officers were broadly of the view that Schedule 7 was used proportionately and professionally. They were less likely to support the proposal to reduce the maximum period of examination than other groups. People who identified themselves as having direct experience of either being stopped themselves or knew someone who had been were frequently concerned about the fairness of the power. This group made some negative comments about the inconvenience of being examined whilst travelling and voiced concerns about why they had been selected.

13. The majority of respondents were in favour of the introduction of further checks and balances, such as the reduction in the maximum period of examination, improved training for the police, the provision of legal advice and review of the capture of biometrics.

### **Selection for Examination**

14. The selection of individuals for examination under Schedule 7 was frequently cited as a major concern. Respondents expressed concern that examination disproportionately affects ethnic minorities and perceptions that selection is based on ethnicity and faith were indicated. Examining officers' questions about religious faith such as 'which Mosque do you attend' or 'how often do you pray' were also perceived as giving substance to a view that people are stopped because of their religion.

15. Concern over the disproportionate effect on Muslims and other minority groups was raised by a number of respondents. However there was some recognition, at public meetings, that there would be a disproportionate impact on individuals travelling to and from places connected with the current terrorist threat posed to the UK.

16. The statutory Code of Practice for Examining Officers makes clear that "a person's perceived ethnic background or religion must not be used alone or in combination with each other as the sole reason for selecting the person for examination".

*'...Schedule 7 can erode the confidence of the ethnic community in the police leading to members becoming more defensive and resistant to compliance. Individuals often feel that the police are insensitive or intimidating.'*

- Glasgow Central Mosque

*'Schedule 7 should also incorporate a clear commitment and implementation process to the Equality Act 2010 general duty of 'fostering good relations'. This can be done through incorporating a duty for regional 'community forums' that would discuss the ethical issues in relation to Schedule 7 without intelligence or sensitive concerns.'*

- Self-declared police officer

17. Linked to selection, and the process of examinations, there were a large number of comments from respondents about how the operation of Schedule 7 could be improved with better communication and more openness between the police examining officers and individuals who are examined. Suggestions included:

- More information being given to people throughout the examination;

*'Better explanations should be given to those examined. If someone is stopped but the stop proves to be without substance an apology and compensation for any cost incurred should be given. Issue is important in race relations if stop and search is high among Muslim community.'*

- Local Community Group

- Improved community impact awareness training for examining officers;
- More police community engagement to address the myths and rumours that give risen to communities' concerns.

*'Whilst the use of Schedule 7 is proportionate further community engagement work should be undertaken to build awareness, trust and confidence including local stop and search groups or force confidence groups.'*

- West Midlands Police

- More tactful or less intimidating examinations. The conduct of examinations was raised repeatedly in the community engagement events. Concerns were expressed that examining officers' questions could be too intrusive and personal or irrelevant.

## Grounds for Examination

18. No grounds for suspecting a person is involved in terrorism are required by an examining officer under Schedule 7. Some respondents commented that this is an essential element of its value as a security and counter-terrorism measure:

*'Schedule 7 is critical to protecting national security and the 'no suspicion' element is vitally important. We believe the introduction of a reasonable suspicion test could limit the capability to detect and prevent individuals of interest passing through the UK border.'*

- West Yorkshire Police

19. Other respondents believed that Schedule 7 examinations should not be undertaken without some grounds for suspicion.

*'Liberty has always maintained that exceptional stop and search powers (i.e. stop and search without suspicion) may be justified in certain very limited and exceptional circumstances – for example where specific information linked to a place or event has been received and it is reasonably suspected that an act of terrorism may be planned. A general power to detain and question without suspicion attaching to all ports and borders is not an exceptional power but a routine one which cannot be justified. Liberty believes*

*this power as currently drafted absent any need suspicion of criminality is unnecessarily broad, counter-productive and accordingly requires repeal or significant amendment which tackles the departure from the normal principles of intelligence lead policing.'*

- Liberty

20. Other respondents addressed the lawfulness of the power to stop and compel individuals without suspicion at ports at some length.

*'... there should be no power to detain and question for more than 1 hour unless the Examining Officer can articulate some form of suspicion that the person s/he is questioning is or has been involved in terrorism-related activity. If after 30 minutes of answering questions, the Examining Officer still has no such suspicion it is difficult to see any lawful basis to continue to detain the individual and certainly not to detain for up to 9 hours.'*

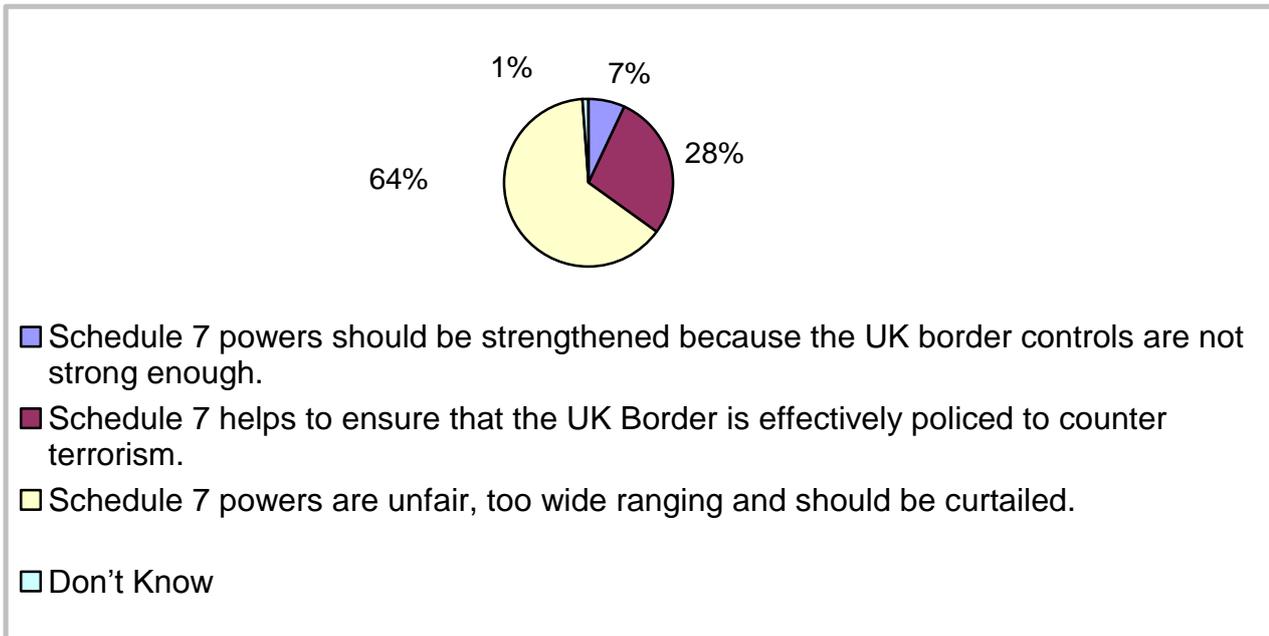
- Equalities and Human Rights Commission

21. Among other issues of concern raised by respondents were:

- **Publication of Statistical Information:** Some respondents commented that there should be more transparency when recording/publishing statistics so that the police could be more accountable. There were a number of requests for better data collection on the number of strip searches, the faith of individuals examined and numbers of arrests or convictions.
- **Missed Flights:** Some respondents felt that there should be compensation for missed travel arrangements or assistance given for arranging new bookings.
- **Access to translation services:** People were concerned that individuals should have access to translators and have the opportunity to be accompanied by friend/relative or legal representative during examination.
- **Repeat Examinations:** Experience of repeated examinations was raised by some respondents and at public meetings. In one case the same individual had been stopped and examined five times. Police respondents and police representatives at public meetings acknowledge that administrative practices can help eliminate unnecessary repeat stops.
- **Recruitment of Informants:** Concerns were expressed among some respondents that people examined under Schedule 7 are being asked to inform on members of their own communities. Outside of the examination process no individual should feel pressured or threatened to give information to the police. However where someone has information about individuals involved in terrorism sharing that information with the police can help to protect the public.

## Responses to Consultation Questions

Which statement best describes your views about Schedule 7?

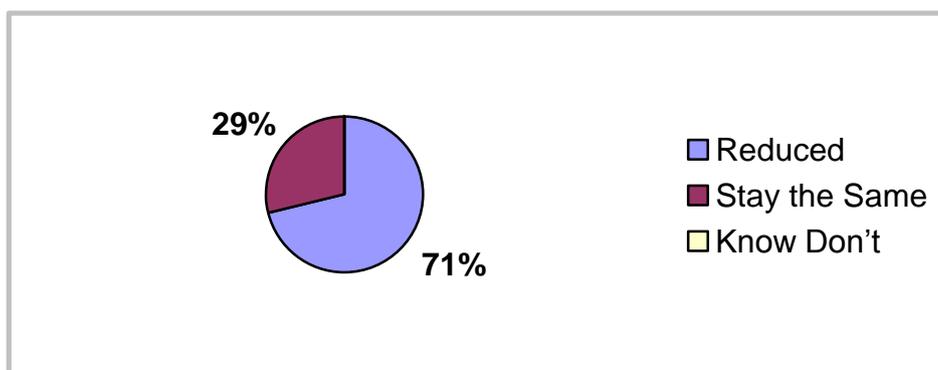


### Summary

22. The view that Schedule 7 powers should be strengthened because the UK border controls are not strong enough was held by 28 respondents; 106 considered that Schedule 7 helps to ensure that the UK Border is effectively policed to counter terrorism; 245 expressed the view that Schedule 7 powers are unfair, too wide ranging and should be curtailed and 4 respondents had no view.

### Period of examination

Do you think that the maximum period of examination should be reduced or stay the same?



### Summary

23. 71% of all respondents (275 out of 387) were in favour of reducing the maximum period of examination. Many felt that nine hours was too long and a compromise on reducing this limit needed to be reached. However there were some concerns that a reduction could compromise border security.

### Detail

24. A number of respondents felt strongly that to hold someone for nine hours without suspicion or charge was excessive, open to abuse, undemocratic and could cause psychological and emotional stress. It was pointed out that 9 hours was longer than a normal working day.

25. Although only a few individuals are actually examined for longer than 6 hours, respondents suggested that the mere fact of a maximum length of detention of 9 hours had a negative community impact resulting in resentment and reduced co-operation with the police. Some respondents believed that reducing the time limit could help to reduce negativity around the use of Schedule 7 powers and help build a more positive and co-operative community partnership.

26. Some respondents considered that a requirement to have reasonable grounds for suspicion should be introduced after one hour. The view was expressed that the maximum examination period should be one hour.

*'Nine hours is excessive and in clear breach of human rights. Any extended detention without charge is wrong, open to abuse and is simply not a fair democratic process. The examination should take no more than 30 minutes, this is more than enough time to search, fingerprint and question. 10 minutes for each.'*

- Anonymous respondent

*'A compromise of 6 hours appears a realistic compromise which would not impact on operational effectiveness or its usefulness in supporting national security.'*

- West Yorkshire Police

27. Some respondents advanced reasons for not reducing the maximum period. These included the importance of safeguarding national security and concerns that reducing the time limit could lead to unnecessary arrests, result in more stressful examinations or result in the loss of vital intelligence. Examples of logistical difficulties that could delay the completion of an interview included the complexity of certain investigations, delays caused by waiting for legal advice or translators and requirements to examine a number of passengers in a single vehicle.

28. Some respondents thought that the fact that only a very small proportion of examinations went over 6 hours (less than three times per 10,000 examinations) demonstrated that the power was not abused or used disproportionately.

*'When dealing with issues of National Security police officers should not be placed under undue time constraints. It is evident that the time limit (9hrs) is rarely used, however, should it be necessary then it is a valuable tool. From a community impact perspective the number of examinations / detentions going anywhere close to the max is almost insignificant. This is indicative of the legislation being used proportionately and fairly.'*

- Anonymous respondent

*'The length of time is clearly not impactful on individuals as only 1 in 2000 have gone beyond 6 hrs. It is clear that Officers do try to keep the time a person is detained to a minimum but Officers should retain the power to keep a person longer if required to complete their enquiries. This should be monitored by a supervisor as in police custody cases.'*

- Anonymous respondents

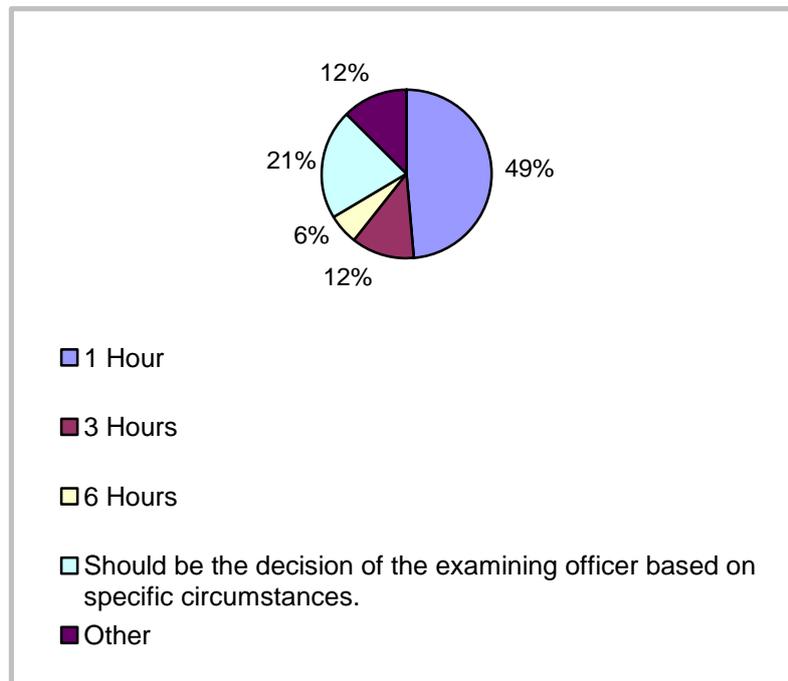
## Conclusion

29. The Government has concluded that the statutory maximum period of detention should be reduced. An amendment to current legislation has been laid before Parliament in the Bill.

This will reduce the statutory maximum period of examination to 6 hours – from the current 9 hours.

## Period of Examination

What do you think should be the maximum time an examination should last before the person is formally detained?



## Summary

30. 49% of respondents replied the maximum period of examination before formal detention should be one hour: 180 were in favour of formal detention after 1 hour; 46 thought it should be after 3 hours; 21 thought it should be after 6 hours and 78 respondents thought that the decision when to detain should be at the discretion of the examining officer. Some respondents considered other periods, including a view that detention was implied after 20 minutes.

## Detail

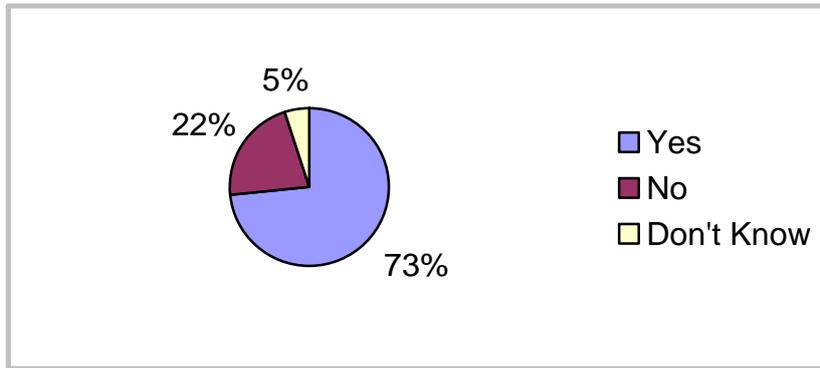
31. Some respondents considered that detention should begin immediately after initial screening questions (e.g. 'where have you travelled from today?'). As participation in a Schedule 7 examination is compulsory, some respondents felt that formal detention was arbitrary. Suggestions included immediate detention or when the individual was taken to a separate examination room. Some respondents said that further clarity on the definition of detention would be welcomed.

## Conclusion

32. See paragraph 35.

## Rights

Should any examination which needs to exceed a set time limit require the person to be formally detained with the rights that go with that?



### Summary

33. 73% of respondents (274 out of 372) supported this proposal.

### Detail

34. Among the responses to this question the following comment were received:

*'The IPCC believes that it may be in the best interest of the individual being examined for them to be formally detained if the decision is made to continue beyond the initial screening so they can take advantage of the additional benefits that this brings, should they wish to do so.'*

- Independent Police Complaints Commission

*'The setting of a threshold time when an examinee automatically becomes detained (e.g. at one hour) may be considered to make the process less arbitrary and provide consistency, particularly regarding the provision of granting enhanced right to examinee.'*

- Association of Chief Police Officers

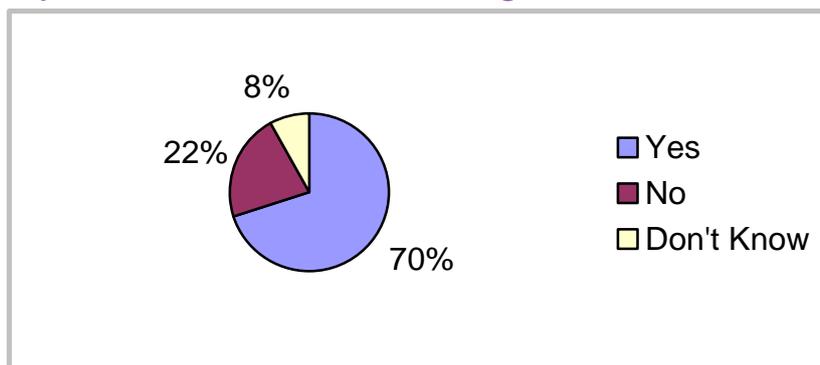
### Conclusion

35. The Government has concluded that where extended examination is necessary a statutory time period at which point the person being examined should be formally detained will provide more clarity and consistency to the operation of Schedule 7.

36. An amendment to current legislation has been laid before Parliament in the Bill. This will **require that all examinations lasting more than one hour require detention – this will ensure all individuals examined for longer than one hour have a right to access legal advice, which is not currently the case.**

### Power to detain

Do you think that a supervisor should review the need to continue the examination? If yes what would make a good case to continue?



### Summary

37. 70% of the respondents (268 out of 384) favoured the introduction of checks by supervisors. There were diverse opinions on grounds for continued examination.

## Detail

38. Respondents considered that supervision would give added protection both to the person being examined and to the examining officer, who would have some more support in their decision making. Others indicated that increased supervision, although welcome, did not remedy other defects in the process. Supervision of examining officers is already practiced by police forces including West Midlands Police.

39. Eighteen respondents to the online survey thought that some form of reasonable suspicion or grounds should be required. Thirteen respondents considered that there should be a requirement for evidence or proof. Suggestions included a reasonable suspicion test at one hour.

40. Some respondents suggested that an explanation for why the individual was selected for examination should be provided to the individual or their legal advisor. However the difficulties arising where sensitive intelligence was involved were also articulated.

41. Some respondents offered views on what might provide a good case for continued examination. This included the rationale for selection, inconsistent or insufficient responses to questions, existing intelligence, outstanding enquiries and the wellbeing of the examinee. Suggestions included a checklist of what makes people worthy of examination which could demonstrate that the examination was justifiable, necessary and proportionate and concluded as quickly as possible.

42. There was also a suggestion that people examined should, where practical, be told when they are not of interest in order to manage the post examination process, provide the individual with transparency and mitigate negative community impact.

*'A supervisor should be required to decide whether the answers given ... provide grounds for reasonable suspicion that the person is engaged in unlawful activities related to terrorism.'*

- Durham Human Rights Centre

*'The supervisory officer should satisfy themselves that the examination is being progressed in a timely manner and that there are still issues to be considered.'*

- West Yorkshire Police

*'... reasons [for continued examination] should be considered by a supervisor on a case to case basis, and their validity determined at the supervisor's discretion. To date the IPCC have not seen any evidence of an examination being continued where inappropriate grounds have been provided.'*

- Independent Police Complaints Commission

## Conclusion

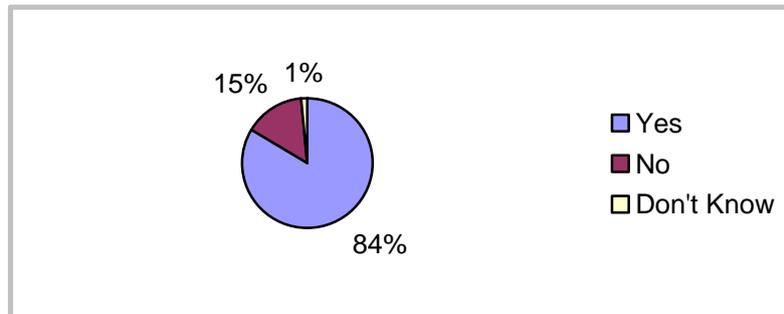
43. The Government has concluded that there should be statutory review of ongoing detention.

44. An amendment to current legislation has been laid before Parliament in the Bill. This will **require that a supervising officer should review the need for continued examination following detention – which is not currently the case.**

45. The Details of when and how supervision should occur will be set out in a new statutory Code of Practice.

## Rights

Do you think that people who are detained under Schedule 7 should have access to legal advice (which may be publicly funded) when they are detained at a port, even if it extends the period of examination (within the legal timeframe)?



## Summary

46. 84% of respondents (321 out of 383) thought that people who are detained under Schedule 7 at a port should have access to legal advice.

## Detail

47. The responses to this question were in numerical form only. However the following relevant quotes were included in written responses.

*'... the right to legal advice should apply not later than at the first hour of examination and in many cases well before that time. We believe the involvement of a solicitor will go some way to protect the person from unfair or discriminatory treatment by the examining officer.'*

- Discrimination Law Association

*'Individuals should have access to legal advice. This advice should continue to be available over the telephone reflecting the difficulties in escorting members of the public (solicitors) into restricted security zones.'*

- West Midlands Police

*'Liberty welcomes the proposal to amend the legislation to give people examined at ports the same rights as those transferred to police stations.'*

- Liberty

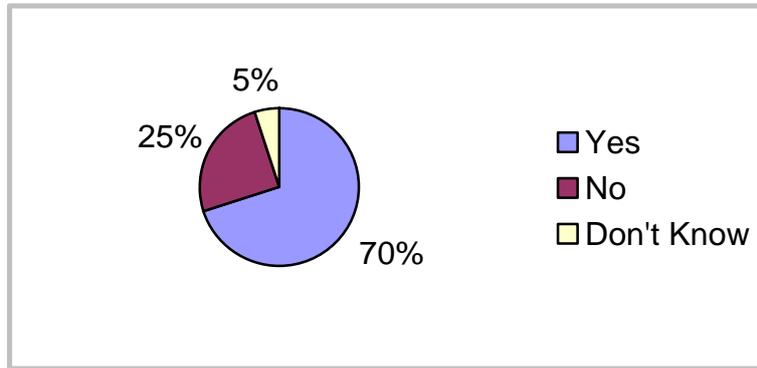
## Conclusion

48. The Government has concluded that individuals detained at ports should have the same statutory right to legal advice as individuals detained at a police station. This is not currently the case.

49. An amendment to current legislation has been laid before Parliament in the Bill. This will **give all detained individuals the statutory right to have a person informed of their detention and to consult a solicitor privately – currently the statutory right extends only to those detained at a police station not those at a port.**

## Recording of interviews after detention

Should all questioning of those detained be recorded even if, due to practical considerations, this extends the period of examination?



## Summary

50. 70% (265 out of 377) of respondents supported recording the examination of those being detained.

## Detail

51. Several respondents suggested all examinations be audio or video recorded to give better protection to the examining officers and to people examined. Some police officers also thought there should be better recording and documenting of examinations.

*'It is my recommendation that all interviews are audio or video recorded. Were a transcript of the interview made available, were there any accusations of officers using particularly insensitive, inappropriate comments then the transcript would complement the complaints procedure and ensure more transparency in the process.'*

- Glasgow Central Mosque

52. There were significant concerns from a number of police forces and individual officers about the logistical difficulties and expense of installing recording equipment at all ports.

*'There are over 3000 ports in the UK and the feasibility of routine recording at a port poses a significant logistical challenge and cost.'*

- Association of Chief Police Officers

## Conclusion

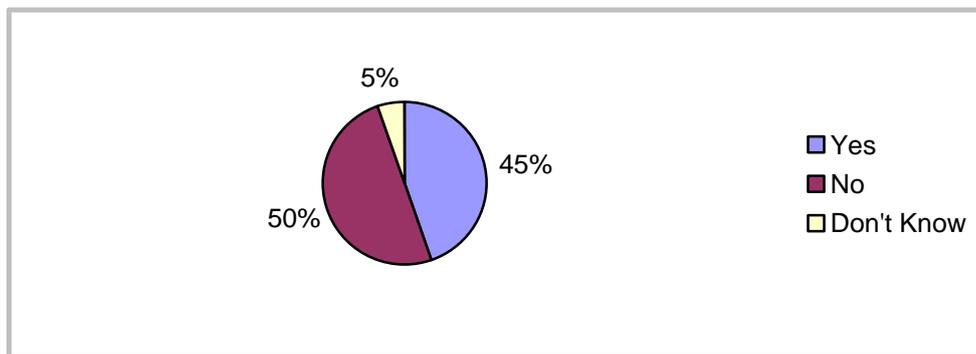
53. The Government acknowledges the clear indication of opinion in favour of recording of Schedule 7 examinations of detained individuals.

54. Currently provisions relating to audio recording of detention interviews under Schedule 7 apply only to interviews at police stations. Extending these provisions to detentions at all ports would pose significant practical issues, particularly given the limited facilities at smaller ports – where examinations may be conducted in arrivals or departures areas and not in accommodation purpose-provided for examining officers.

55. Given the support for recording of interviews, the Government proposed amending the statutory code of Practice for examining officers to indicate that recording of interviews should be best practice where facilities to do so are available.

## Extending the maximum period of detention

If waiting for legal advice or securing recording facilities will delay the examination do you think that the maximum period of detention should be extended?



### Summary

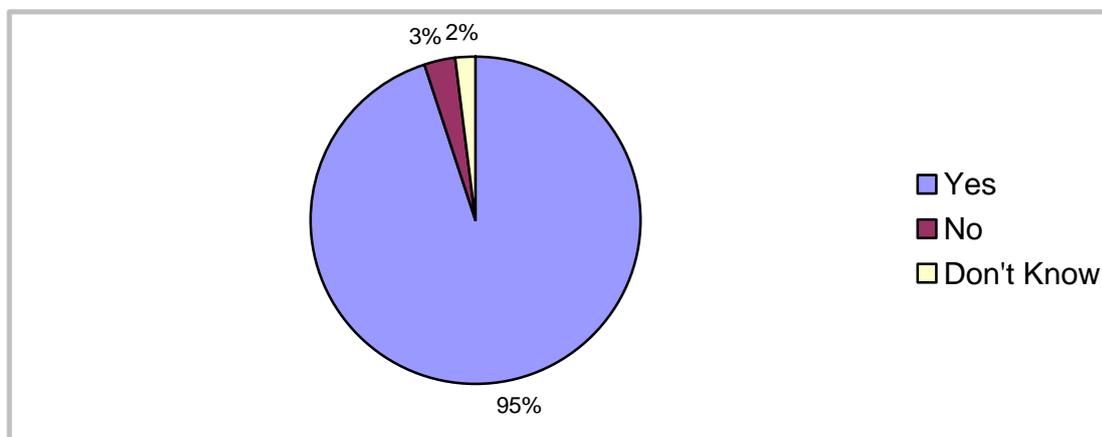
56. There were diverse views in response to this question: 45% (168 out of 374) in favour and 50% (187 out of 374) against. We further examined these responses against whether the respondent had previous knowledge of Schedule 7. Responses from police forces or self-declared police officers were 67% in favour whilst conversely 70% of those who either had personal experience of being examined or knew someone who had been were against.

### Conclusion

57. The Government is not proposing to provide extending the maximum period of time of detention to take account of delays awaiting legal advice or recording facilities. We will reflect in the statutory Code of Practice that an individual detained under Schedule 7 should be provided a reasonable period of time to seek legal advice from a solicitor privately.

## Training of Examining Officers

Do you think that Schedule 7 powers should normally only be used by officers trained to use them?



### Summary

58. There was very strong support with 95% (366 out of 385 respondents) in favour of mandatory training for examining officers.

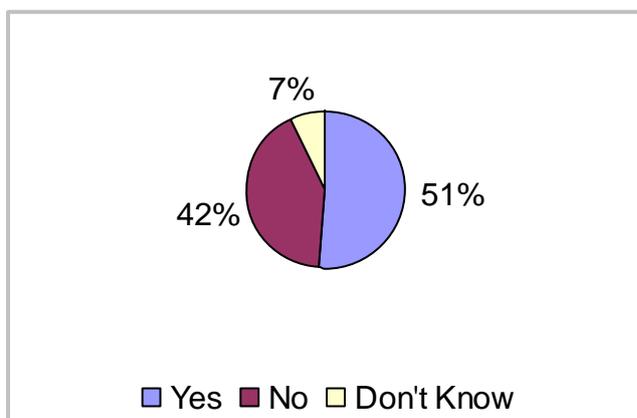
### Conclusion

59. The Government has concluded that all examining and supervising officers who use and oversee Schedule 7 should be designated and undertake role-specific training. This is intended to ensure that the powers are operated to consistently high standards.

60. An amendment to current legislation has been laid before Parliament in the Bill. This will **require that all examining and supervising officers who use and oversee Schedule 7 should be designated – which is not currently the case.**

## Training of Examining Officers

Do you think that officers who have not been fully trained to use Schedule 7 should be able to use the powers under supervision of a trained officer in exceptional circumstances, such as after a terrorist attack or when there is intelligence to indicate an imminent terrorist attack?



### Summary

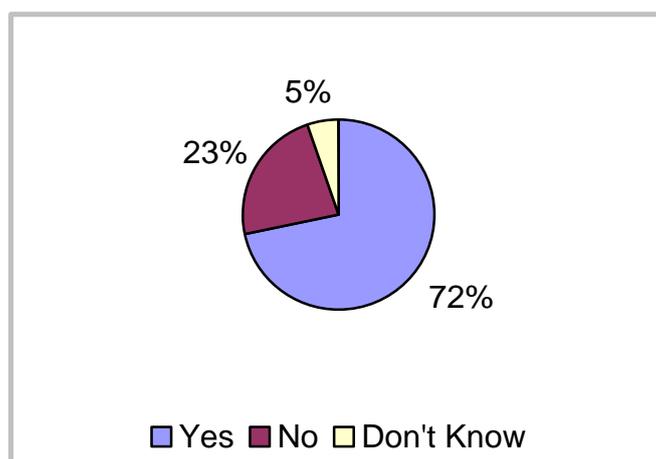
61. Responses to this question were mixed with 52% (194 out of 379 responses) in favour of examining officers, who are not fully trained, being able to use Schedule 7 in exceptional circumstance, whilst 42% (159 out of 379) were not in favour. There was a notable number of 'don't knows', 7% of respondents (26 out of 379).

### Conclusion

62. The Government considers that the statutory Code of Practice for examining officers should include a mechanism for expedient designation in *exceptional* circumstances, for example immediately following a large-scale terrorist attack or at a time of heightened threat where a chief police officer may be able to designate officers for a limited period of time to address exceptional operational requirements.

## Strip Searches

Do you think that the Terrorism Act should be changed so that the examining officer should suspect the person is carrying something that will prove or disprove their involvement in terrorism or concealing an item which may be used to harm themselves or another before being strip searched?

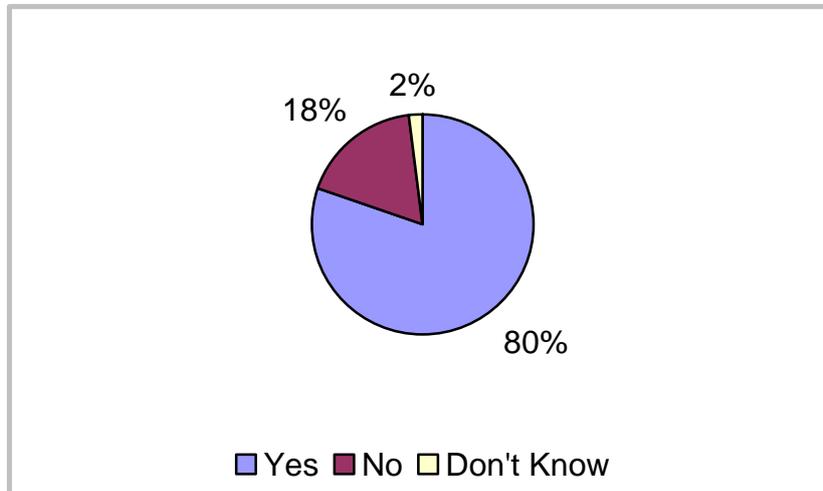


## Summary

63. There was a wide support for this proposal with 72% of respondents (275 out of 384) in favour.

## Strip Searches

Do you think that a supervisor should have to authorise the use of strip searches?



## Summary

64. 80% (308 out of 381) of respondents consider that a supervisor should have to authorise strip searches.

## Detail

65. People were concerned about the level of intrusion involved in a strip search. Despite the fact that police report that strip searches are extremely rare, a number of respondents were critical of the fact that no data was collected on the number of strip searches that took place during Schedule 7 examinations.

*'Scrap strip searches and ensure the civil liberties of the people are maintained at all times and everything is recorded and documented in relation to any intimate searches and strip searches.'*

- Anonymous response

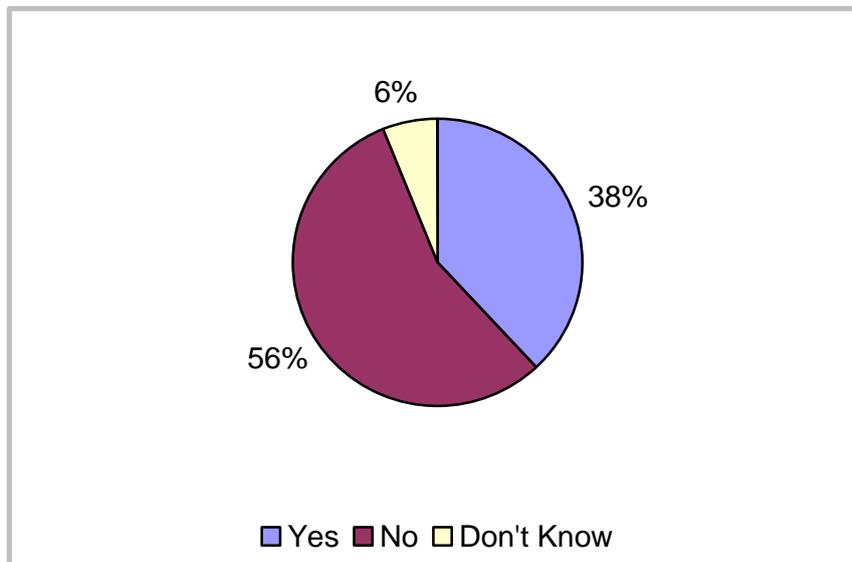
## Conclusion

66. Even though strip searches under Schedule 7 are very rare, the Government has concluded that additional safeguards should be included in primary legislation to reduce any risk of unnecessary or disproportionate strip searches.

67. An amendment to current legislation has been laid before Parliament in the Bill. This will **require that to undertake a strip search under Schedule 7, the examining officer must have reasonable grounds to suspect that the person is concerned with the commission, preparation or instigation of terrorism; and have the authority of a supervising officer to conduct the search – neither of which is currently a requirement in primary legislation.**

## Taking of Non-Intimate Biometric Samples

If a person declines to provide consent should a Superintendent be able to authorise the taking of biometrics (non-intimate) at a port? Please explain your answer.



### Summary

68. 56% (212 out of 380) of respondents were against this proposal. When this was analysed without the responses of self-declared police officers this was even higher with 70% (308 out of 380) against this proposal.

### Detail

69. A number of respondents, including a number of police officers, thought that there would be more accountability at a police station.

*'I do not think that the taking of samples without consent at a Port is necessary. I believe that these processes should take place in a more controlled environment to protect the safety of the officers and the subject.'*

- Self-declared police officer

70. Many of the objections were actually to any biometric capture without reasonable suspicion or prior to arrest rather than the location at which they were taken. Some respondents thought that biometrics should only be taken with consent, resisted until arrest or when individuals have access to prior legal advice.

71. Taking of biometrics were viewed by a number of respondents as being particularly important at the border to help establish or confirm an individual's identity.

72. There were a number of concerns about consent as it was felt that this may not be fully informed or genuine.

*'... Seems ambiguous asking for consent and then saying that a superintendent can authorise at police station anyway.'*

- Anonymous respondent

73. Taking of biometric samples remains an emotive issue. Some respondents were concerned that the samples from examined individuals could be held alongside those of convicted terrorists. Others considered that the law should require that a reasonable suspicion before biometric samples may be taken. Biometric material subject to the Terrorism Act 2000, including Schedule 7 will be safeguarded under Part 1 of Schedule 1 to the Protection of Freedoms Act 2012.

*'There is no power in PACE code D for the use of force to take fingerprints on the street using a mobile device. By analogy therefore examining officers should not have the power to take fingerprints without consent unless the person has been taken to the police station.'*

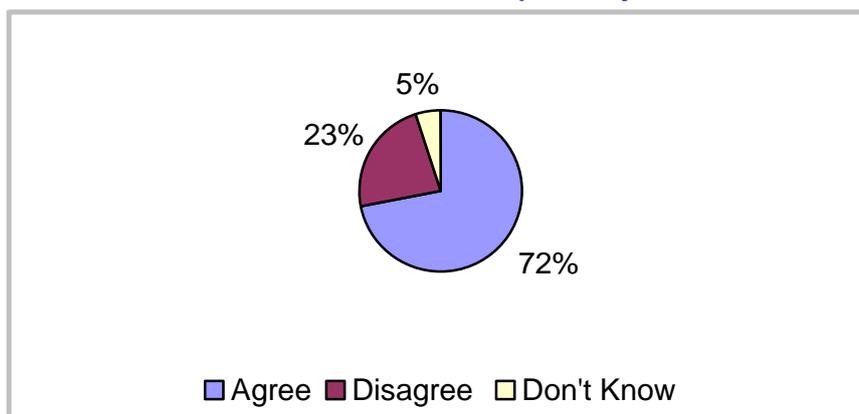
- Campaign Against Criminalising Communities

## Conclusion

74. Taking of non-intimate biometric samples under Schedule 7 without consent at a police station is understood to be rare. Taking into account the response to the consultation, the Government has concluded there is no need to amend legislation to allow for the taking of non-intimate biometric samples under Schedule 7 without consent at a port.

## Taking of Intimate Biometric Samples

Do you agree or disagree that the power to acquire intimate biometric samples should be removed? Please explain your answer.



## Summary

75. There was strong support for repealing the power in Schedule 7 to take intimate biometric samples with 71% of respondents (264 out of 376) in favour.

## Detail

76. There is no known instance of an intimate biometric sample being taken as part of a Schedule 7 examination. However the presence of this provision on the statute was criticised as being intrusive or unethical. Some respondents said that the power should not be used prior to arrest and that it could damage community relationships.

*'Liberty is pleased to see that the Consultation recognises the privacy implications of taking intimate biometric samples and the proposal to remove the power from Schedule 7 is extremely welcome.'*

- Liberty

77. Some of the responses from police officers cited the seriousness of the purpose of Schedule 7, to determine whether a person is or appears to be someone concerned in the commission, preparation or instigation of acts of terrorism as a justification for the retention of this power, subject to authorised by a senior officer.

## Conclusion

78. The Government has concluded there is no requirement for legislation to provide for the taking of intimate biometric samples as part of the operation of Schedule 7.

79. An amendment to current legislation has been laid before Parliament in the Bill. This will **repeal the power to seek intimate samples under Schedule 7.**

**ISBN: 978-1-78246-172-2**

***Title:* Review of the operation of Schedule 7: A Public Consultation**