



Home Office

Schedule 7

Background information

Introduction

Schedule 7 to the Terrorism Act 2000 ('Schedule 7') allows an examining officer to stop and question and, when necessary, detain and search, individuals travelling through ports, airports, international rail stations or the border area to determine whether that person appears to be someone who is or has been concerned in the commission, preparation or instigation of acts of terrorism.

Examining people at ports and the border area contributes daily to keeping the British public safe. Those engaged in terrorist-related activity travel to plan, finance, train for, and commit their attacks. Most major international terrorist plots have involved individuals travelling through international borders to plan and prepare their attacks. Schedule 7 is an important part of the UK's counter-terrorism strategy and key to the UK's border security arrangements.

The Anti-social Behaviour, Crime and Policing (ASBCP) Act, which received Royal Assent on 13th March 2014, made changes to Schedule 7 (and to Schedule 8, which contains provisions which apply in relation to persons detained under Schedule 7 powers). These changes were made following extensive public consultation¹ and are intended to ensure that Schedule 7 powers are exercised effectively in a clear, rational and proportionate way and with respect for individuals' rights.

All officers who exercise the functions in Schedule 7 are required under the Terrorism Act 2000 to abide by a Code of Practice concerning the exercise of those functions. The existing Code of Practice must therefore be revised in order to reflect the changes made to the powers by the ASBCP Act and to make specific provision on training and reviews.

This consultation invites comments on the revised draft Code of Practice for examining and review officers. All those who have an interest in how Schedule 7 operates can help ensure that it is used effectively, fairly and proportionately by responding to this consultation.

We will publish a summary of the responses received after the consultation.

¹ In the autumn of 2012, we carried out a 12 week public consultation inviting views on potential changes to Schedule 7. We received 395 responses and published a summary of the responses on 11th July 2013. Please see: <https://www.gov.uk/government/consultations/review-of-the-operation-of-schedule-7>

How does Schedule 7 operate?

An examining officer may examine any person in order to determine whether that person appears to be someone who is or has been concerned in the commission, preparation or instigation of acts of terrorism. There is no requirement that an offence has been committed nor for there to be any grounds for suspicion that a person is or has been concerned in terrorism.

Examinations are not simply about the police talking to people who they know or already suspect are involved in terrorism. They are also about talking with people travelling to and from places where terrorist activity is taking place or emerging, to determine whether those individuals appear to be concerned in terrorism. This is particularly important given the current threat concerning individuals travelling to and from Syria.

The examining officer may require a person stopped under Schedule 7 to answer questions or provide certain documents. A person can be detained by the examining officer for a maximum of 6 hours from the time the person is first questioned under Schedule 7 (the ASBCP Act reduces the maximum detention period from 9 to 6 hours).

Some communities and individuals believe they are unfairly targeted by Schedule 7 examining officers because of their ethnicity or faith. The use of Schedule 7 is based on the current terrorist threat to the UK which means that certain routes are given greater focus. If the power is being exercised properly, the ethnic breakdown of people examined would not be expected to correlate to the ethnic breakdown of the general population, or even the travelling population, but to reflect the ethnic breakdown of people who may have connections to those parts of the world that are assessed to pose a terrorist threat to the UK.

A total of 49,748 persons were examined at ports in the year ending 30 September 2013 in Great Britain under Schedule 7, a fall of 19% compared to the previous year.

Only around two in every 10,000 people who pass through ports and airports annually are examined. The great majority of those examined under Schedule 7 were held for under one hour: 47,610 examinations in total (96%). Only 1% of these (623) resulted in detention.

Any individual who has a complaint about being examined under Schedule 7 may raise this with the Chief Officer of the police force concerned. All complaints are overseen by the Independent Police Complaints Commission.

Additionally, the power itself is also kept under review by the Independent Reviewer of Terrorist Legislation, David Anderson Q.C, and he is responsible for reporting each year on the operation of the Terrorism Act 2000.

What changes have been made to Schedule 7 by the Anti-Social Behaviour, Crime and Policing Act 2014?

Changes made under the Act are in line with the Government's commitment to ensure the right balance between security and individual freedoms, and are as follows:

- Reducing the maximum period of examination from nine to six hours;
- Extending to individuals detained at a port the statutory rights to have a person informed of their detention and to consult a solicitor privately;
- Ensuring access to legal advice for all individuals examined for more than one hour;
- Clarifying that the right to consult a solicitor includes consultation in person;
- Introducing statutory review of the need for continued detention;
- Introducing a statutory requirement for training of examining and reviewing officers;
- Establishing a statutory basis for undertaking strip searches to require suspicion that the person is concealing something which may be evidence that the person is involved in terrorism and a supervising officer's authority;
- Repealing the power to seek intimate samples (e.g. blood, semen); and
- Providing expressly that an examining officer may make and retain a copy of information obtained or found in the course of an examination.