



Home Office

Schedule 7 to the Terrorism Act 2000

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, any individual travelling through a port, airport, international rail station 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.

Schedule 7 also contains a power for examining officers to examine goods, which may only be exercised for the purpose of determining whether the goods have been used in the commission, preparation or instigation of acts of terrorism. Goods examinations under Schedule 7 have found items including birth certificates, passports, mobile phones, memory cards, and firearms being used in the commission, preparation and instigation of terrorism.

Schedule 7 is an important part of the UK's counter-terrorism strategy and key to the UK's border security arrangements. Examining people and goods at ports and the border area contributes daily to keeping the British public safe. Those engaged in terrorism travel to plan, finance, train for, and commit their attacks, and can send and receive goods which can be used for terrorist purposes.

What changes are being made to Schedule 7 as part of the Counter-terrorism and Security Bill?

The Government has an ongoing commitment to ensure that respect for individual freedoms is balanced against reducing the threat of terrorism to the public here, and to British interests overseas. Given the current threat from Syria and Iraq, the use of Schedule 7 powers has become even more important in protecting the public from the threat of terrorism. The operation of the power to examine goods in Schedule 7 is being clarified by amendments in Schedule 5 of the Counter-Terrorism and Security Bill in relation to where goods may be examined and the examination of goods which comprise items of post.

The Bill is currently being debated in the Commons and we anticipate Royal Assent some time in the first quarter of 2015.

How is it proposed that the Schedule 7 Code of Practice will be changed?

All officers who exercise functions under Schedule 7 should comply with the statutory Code of Practice for examining officers. The existing Code of Practice is to be revised in order to reflect the changes being made to Schedule 7 by the Bill:

- Clarification of the places where Schedule 7 examinations of goods may take place; and
- Clarification that Schedule 7 examination of goods which comprise items of post is lawful under the Regulation of Investigatory Powers Act 2000 and the Postal Services Act 2000.

We are also proposing to amend the Code to make clear that when an individual detained under Schedule 7 claims to be a refugee, or intends to claim asylum, the examining officer must inform UK Visas and Immigration (UKVI) as soon as possible. UKVI will decide whether there is a need under the UK's international obligations to notify the detained individual's High Commission, Embassy or Consulate of their detention. UKVI will inform the examining officer of any required action.

Consultation

The Home Office welcomes your views on how the changes to Schedule 7 in the Bill are reflected within the revised draft Code of Practice. Please tell us how well, in your view, the Code reflects:

- 1) The change to the legislation concerning the locations in which the examination of goods can take place under Schedule 7; and
- 2) The guidance for examining officers who undertake the examination of goods including the criteria for selecting items for examination, the conduct of goods examinations and the information to be provided to recipients of examined goods.

Please also let us know your views with regard to the Code provisions concerning the steps to be taken when a detained individual claims they are a refugee (or has applied, or intends to apply, for asylum status).

This consultation is being directed at the following organisations or groups of people:

- Police
- Police and Crime Commissioner
- Home Office Border Force
- HM Revenue and Customs
- The Department for Business, Innovation and Skills
- Postal Service and Fast Parcel Operators
- Regulatory Group
- Community Group
- Voluntary Group
- Equality and Human Rights Commission
- Other human rights groups
- Individual

Your feedback will be essential in shaping the future operation of Schedule 7. 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.