

# Notice of Detention under Schedule 7 to the Terrorism Act 2000

To.....

You have been detained under paragraph 6 of Schedule 7 to the Terrorism Act 2000 (“Schedule 7”). This is so that an Examining Officer may exercise his or her powers under that Schedule for the purpose either of determining whether you appear to be a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism or for the purpose of determining whether your presence in the border area is connected with your entering or leaving Northern Ireland. You will not be examined under this power for more than 6 hours beginning with the time you were first questioned under Schedule 7. You are not under criminal investigation and are not under arrest on suspicion of having committed an offence. For this reason, you are not being issued with a caution and you do not have the right to remain silent. Should the circumstances change during the course of the examination you will be notified.

## Your duties

Whilst being examined you must:

- (a) Answer questions put to you by the examining officer;
- (b) Give the examining officer any information in your possession which the officer requests (including the PINs and passcodes to any electronic devices in your possession);
- (c) Give the examining officer on request either a valid passport which includes a photograph, or another document which establishes your identity;
- (d) Declare whether you have with you documents of a kind specified by the examining officer;
- (e) Give the examining officer on request any document which you have with you and is of a kind specified by the officer;
- (f) Complete and hand to the officer an arrival or embarkation card if you have been required to do so;
- (g) Co-operate with any search of your person or property.

If you wilfully fail to comply with any of these duties, wilfully contravene a prohibition under or by virtue of Schedule 7 or wilfully obstruct or seek to frustrate a search or examination conducted under Schedule 7, you could be prosecuted for a criminal offence under paragraph 18.

During your detention, an examining officer can take any steps which are reasonably necessary for photographing, measuring or identifying you with or without your consent.

If you are detained in England, Wales and Northern Ireland, a police officer can also take your fingerprints and a non-intimate sample either with your consent or without it if you: (i) have been convicted of a previous recordable offence; or (ii) are detained at a police station and the taking has been authorised by a police officer of at least the rank of superintendent. If you are detained at a police station in Scotland, a police officer can take your fingerprints and a non-intimate sample, either with or without your consent.

Any answer or information that you provide orally in response to a question asked during the examination cannot be used as evidence in criminal proceedings. This, however, will not apply where you are prosecuted for wilfully failing to comply with a duty imposed by Schedule 7, wilfully contravening a prohibition under or by virtue of the Schedule, or wilfully obstructing or seeking to frustrate a search or examination under the Schedule, or where you are prosecuted for perjury.

It will also be possible for oral answers given in response to questions put to you in a Schedule 7 examination to be used as evidence in a situation where you have been prosecuted for an offence other than those mentioned above where, in giving evidence, you make a statement that is inconsistent with that oral answer or information given. In such a situation, your statement can only be used as evidence where you or your lawyer first adduces it as evidence, or asks a question relating to it, in your defence.

## Your rights:

### Do you want someone informed?

You may, if you wish, have a friend, a relative or a person who is known to you, or who is likely to take an interest in your welfare, informed that you are being detained. ***In certain circumstances, under paragraph 8 of Schedule 8 to the Terrorism Act 2000 (or paragraph 16 of Schedule 8 in Scotland), an officer of at least the rank of superintendent may delay the exercise of this right.***

### Do you want to consult a solicitor?

You may wish to consult a solicitor privately, whether in person or by telephone. This will be at public expense subject to legal aid. You may not be questioned until you have consulted a solicitor (or have communicated that you no longer wish to do so) unless the examining officer reasonably believes that postponing questioning would be likely to prejudice the determination of the matters to be established by the examination. If you do not wish to consult a solicitor now, you may do so later and at any time while you are detained. ***In certain circumstances, under paragraph 8 of Schedule 8 to the Terrorism Act 2000, or paragraph 16 of Schedule 8 in Scotland, an officer of at least the rank of superintendent may delay this right.***

If you do not have details of a solicitor, details of an independent solicitor can be supplied to you.

**Do you want to contact your Consul?**

If you are detained and a citizen of a Commonwealth country or a national of a foreign country you may request access to your Consul. If you do request that your High Commission, Embassy or Consulate be told of your whereabouts and the ground for your detention, the request will be acted upon as soon as practicable. The exercise of this right may not be interfered with.

Additionally, if you are a citizen of a country with which the United Kingdom has a bilateral consular convention or agreement in force requiring notification of the detention of its citizens, notification of your detention will be sent to the appropriate High Commission, Embassy or Consulate as soon as practicable, whether you request it or not. Consular officers may, if you agree, visit you to talk with you, and if required, arrange legal advice. Such legal advice will take place out of the hearing of a police officer.

**Notice of Detention**

Served on Day: ..... date: ..... at: ..... hours By (Warrant No):.....

Witnessed by (Warrant No):  
.....

Signature of detained person:  
.....

Witnessed by: (Interpreter/Appropriate Adult/Solicitor):  
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