

National Security Act 2023

Remember your rights whilst detained

The rights in this Notice are guaranteed to you under the law in England and Wales and comply with retained EU law (the requirement stemming originally from [EU Directive 2012/13](#) on the right to information in criminal proceedings).

Your rights at the police station are summarised on this page.
There is more information in paragraphs 1 to 11 on the next pages.
Full details are in the police Code of Practice I.

1. Tell the police if you want a solicitor to help you while you are at the police station. This is free.
2. Tell the police if you want someone to be told where you are. This is free.
3. Tell the police if you want to look at their rules – they are called the Codes of Practice.
4. Tell the police if you need medical help. Tell the police if you feel ill or have been injured. Medical help is free.
5. If you are asked questions about your suspected involvement in activity defined as “foreign power threat activity”, under section 33 of the National Security Act 2023, you do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.
6. The police must tell you about the nature of your suspected involvement in foreign power threat activity and why you have been arrested and are being detained.
7. The police must let you or your solicitor see records and documents about why you have been arrested and are being detained and about your time at the police station.
8. If you need an interpreter, the police must get you one. You can also have certain documents translated. This is free.
9. Tell the police if you are not British and you want to contact your embassy or consulate or want them to be told you are detained. This is free.
10. The police must tell you how long they can detain you for.
11. If you are charged and your case goes to court, you or your solicitor will have a right to see the prosecution evidence before the court hearing.

If you are not sure about any of these rights, tell the police custody officer



Home Office



Legal Aid
Agency



The Law
Society

See the pages after the summary for more information about how the police should treat and care for you

This version of the Notice of Rights and Entitlements has effect from 20 December 2023

Please keep this information and read it as soon as possible. It will help you to make decisions while you are at the police station.

1. Getting a solicitor to help you

- A solicitor can help and advise you about the law.
- Asking to speak to a solicitor does not make it look like you have done anything wrong.
- The Police Custody Officer must ask you if you want legal advice. This is free.
- The police must let you talk to a solicitor at any time, day or night, when you are at a police station.
- If you ask for legal advice, the police are usually not allowed to ask you questions until you have had the chance to talk to a solicitor. When the police ask you questions you can ask for a solicitor to be in the room with you.
- If you tell the police that you don't want legal advice but then change your mind, tell the police custody officer who will then help you to contact a solicitor.
- If a solicitor does not turn up or contact you at the police station, or you need to talk to a solicitor again, ask the police to contact them again.
- You can ask to speak to a solicitor you know, and you won't have to pay if they do legal aid work. If you do not know a solicitor or the solicitor you know cannot be contacted, you can speak to the duty solicitor. It is free.
- The duty solicitor has nothing to do with the police.

To arrange free legal advice:

- The police will contact the Defence Solicitor Call Centre (DSCC). The DSCC will arrange for legal advice to be given from a solicitor you have asked for or from the Duty Solicitor.
- The DSCC is an independent service responsible for arranging free legal advice and has nothing to do with the police.

If you want to pay for legal advice yourself:

- In all cases you can pay for legal advice if you want to.
- The DSCC will contact your own solicitor on your behalf.
- You are entitled to speak in private with your chosen solicitor on the telephone or they may decide to come to see you at the police station.
- If a solicitor of your choice cannot be contacted, the police can still call the DSCC to arrange free legal advice from the Duty Solicitor.

2. Telling someone that you are at the police station

- You can ask the police to contact someone who needs to know that you are at the police station. This is free.
- They will contact someone for you as soon as they can.

3. Looking at the Codes of Practice

- The Codes of Practice are rules which will tell you what the police can and cannot do while you are at the police station. They include details of the rights summarised in this Notice.
- The police will let you read the Codes of Practice, but you cannot do this if it holds up the police finding out if you have broken the law.
- If you want to read the Codes of Practice, tell the Police Custody Officer.

4. Getting medical help if you are unwell or injured

- Tell the police if you feel ill or need medicine or have an injury. They will call a doctor or nurse or other healthcare professional and it is free.
- You may be allowed to take your own medicine, but the police will have to check first. A nurse will usually see you first, but the police will send for a doctor if you need one. You can ask to see another doctor, but you may have to pay for this.

5. Right to remain silent

If you are asked questions about your suspected involvement in foreign power threat activity, you do not have to say anything.

However, it may harm your defence if you do not mention when questioned something which you later rely on in court.

Anything you do say may be given in evidence.

6. Knowing about why you have been arrested and detained

- The police must provide you with information so that you are able to understand why you have been arrested and are suspected of being involved in foreign power threat activity.
- At the police station, the police must tell you why they believe you need to be detained.
- Before you are asked any questions about your suspected involvement in foreign power threat activity, the police must give you or your solicitor enough information about what they think you have done so you can defend yourself but without harming the police investigation.
- This applies to any other offences which the police suspect you of.

7. Seeing records and documents about your arrest and detention

- When you are detained at a police station, the police must:
 - ~ Record in your custody record, the reason and need for your arrest and why they believe you need to be detained.
 - ~ Let you and your solicitor look at these records. The police custody officer will arrange this.
- The police must give you or your solicitor access to documents and materials essential to effectively challenge the lawfulness of your arrest and detention.

8. Getting an interpreter and translations of certain documents to help you

- If you do not speak or understand English, the police will arrange for someone who speaks your language to help you. This is free.
- If you are deaf or have difficulty speaking, the police will arrange for a British Sign Language English interpreter to help you. This is free.
- If you do not speak or understand English, the police will get the interpreter to tell you why they are detaining you. This must be done each time a decision is made to keep you in custody.
- After each decision to keep you in custody and after you have been charged with any offence, the police must also give you a record in your own language of why you are being detained and of any offence you have been charged with, unless there are special reasons not to. These are:
 - ~ If you decide you don't need the record to defend yourself because you fully understand what is happening and the consequences of not having the record and you have had an opportunity to ask a solicitor for help to decide. You must also give your consent in writing.
 - ~ If having an oral translation or summary through an interpreter instead of a written translation would be enough for you to defend yourself and to fully understand what is happening. The custody officer must also authorise this.
- When the police ask you questions and don't make an audio recording, the interpreter will make a record of the questions and your answers in your own language. You will be able to check this before you sign it as an accurate record.
- If you want to make a statement to the police, the interpreter will make a copy of that statement in your own language for you to check and sign as correct.
- You are also entitled to a translation of this Notice. If a translation is not available, you must be given the information through an interpreter and provided with a translation without undue delay.

9. Contacting your embassy or consulate

If you are not British, you can tell the police that you want to contact your High Commission, Embassy or Consulate to tell them where you are and why you are in the police station. They can also visit you in private or arrange for a solicitor to see you.

10. For how long you can be detained

- You can only be detained for more than 48 hours without being charged if a court allows the police more time to detain you. The courts have the power to extend the period of detention without charge up to a maximum of 14 days from your arrest.
- Every so often a senior police officer must look into your case to see if you should still be detained. This is called a review. Unless you are not in a fit state, you have the right to have a say about this decision. Your solicitor also has a right to have a say about this decision on your behalf.
- If the review officer doesn't release you, you must be told why and the reason recorded in your custody record.
- If your detention is no longer necessary you must be released.
- When police ask a court to extend your detention:
 - ~ You must be given a written notice informing you when the hearing will take place and the grounds for seeking to extend your detention.
 - ~ You must be brought to court for the hearing unless a television link is set up so you can see and hear the people in the court and they can see and hear you.
 - ~ You have a right to have a solicitor with you at court.
 - ~ The police will only be allowed to keep you in custody if the court believes it is necessary and that the police are investigating your case carefully and without undue delay.
- If the police have enough evidence to send you to court, you may be charged at the police station or by post, to appear at court to be tried.

Reviews and extension of detention

- There may be occasions where you may be detained longer than 48 hours after you were arrested. In these circumstances, you must be given the following:
 - ~ A written document that the application to extend your detention has been made;
 - ~ The time the application was made;
 - ~ The time the application is to be heard in court and
 - ~ The reason(s) further detention is sought.

A notice must also be provided to you (and your legal representative) each time an application is made to extend or further extend your detention.

11. Access to the evidence if your case goes to Court

- If you are charged with an offence, you or your solicitor must be allowed to see the evidence against you as well as evidence which may help your defence. This must be done before your trial starts. The police and the Crown Prosecution Service must arrange this and provide access to the relevant documents and materials.

Other things to know about being at a police station

How you should be treated and cared for

These notes tell you about what you can expect while you are kept at the police station. To find out more, ask to see the Codes of Practice. They include a list of where to find more information about each of these things. Ask the police custody officer if you have any questions.

People who need help

- If you are under 18 or are vulnerable, for example if you have learning difficulties or mental health problems, then you have a right to have someone with you when the police do certain things. This person is called your “appropriate adult” and they will be given a copy of this Notice.
- Your appropriate adult will help you understand what’s happening and look after your interests. He or she must be with you when the police tell you about your rights and tell you why you are being kept at the police station. He or she must also be with you when the police read the police caution to you.
- Your appropriate adult can also ask for a solicitor on your behalf.
- You can speak to your solicitor without your appropriate adult in the room if you want to.
- The police might also need to do one of the things listed below while you are at the police station. Unless there are special reasons, your appropriate adult must be with you for the whole time if the police do any of these things:
 - ~ Interview you or ask you to sign a written statement or police notes.
 - ~ Remove more than your outer clothes to search you.
 - ~ Take your fingerprints, photograph or a DNA or other sample.
 - ~ Carry out anything to do with a witness identification procedure.
- Your appropriate adult should be given a chance be available in person or on the phone to help you when the police review your case to see whether you should be detained further.
- If your appropriate adult is available, they must be present when the police charge you with an offence.

Getting details of your time at the police station

- Everything that happens to you when you are at the police station is recorded. This is called the Custody Record.
- When you leave the police station, you, your solicitor or your appropriate adult can ask for a copy of the Custody Record. The police have to give you a copy of your Custody Record as soon as they can.
- You can ask the police for a copy of your Custody Record up to 12 months after you leave the police station.

Keeping in touch

- As well as talking to a solicitor and having a person told about your arrest you will usually be allowed to make one phone call.
- Ask the police if you would like to make a phone call.
- You can also ask for a pen and paper.
- You may be able to have visitors but the custody officer can refuse to allow that.

Your Cell

- If possible you should be kept in a cell on your own.
- It should be clean, warm and lit.
- Your bedding should be clean and in good order.
- You must be allowed to use a toilet and have a wash.

Personal needs – health, hygiene and welfare

- You must be asked if you want to speak in private with a member of the custody staff about any personal needs relating to your health, hygiene and welfare that might affect or concern you while you are detained.
- The police will arrange to provide the products considered necessary to meet your needs. If you wish, the person you speak to may be the same sex as you.
- If you are a woman aged 18 or over, you must be asked if you require or are likely to require any menstrual products while you are detained and must be told that:
 - ~ products will be provided free of charge;
 - ~ replacement products are available; and
 - ~ products may be supplied by your family or friends at their expense if the custody officer agrees.
- If you are a girl under 18, the custody officer will ensure that a woman at the police station is available to look after you and to ask you about your personal needs and menstrual products.

Clothes

If your own clothes are taken from you, then the police must provide you with an alternative form of clothing.

Food and drink

You must be offered 3 meals a day with drinks. You can also have drinks between meals.

Exercise

If possible you should be allowed outside each day for fresh air.

When the police question you

- The room should be clean, warm and lit.
- You should not have to stand up.
- The Police Officers should tell you their name and their rank.
- You should have a break at normal meal times and a break for a drink after about two hours.
- You should be allowed at least 8 hours rest in any 24 hours you are in custody.

Faith Needs

- Tell the police if you need anything to assist you to practise your religion whilst at the station. They can provide religious books and other items, as necessary.

Times when the normal rules are different

Getting a solicitor to help you

There are times when the police urgently need to ask you questions before you have talked to a solicitor. Information about these is given in the Codes of Practice. These set out what the police can and cannot do while you are at the police station. If you want to look up the details, they are in paragraph 6.6 of Code I of the Codes of Practice.

There is one time when the police will not let you speak to the solicitor that you have chosen. If this happens you must be allowed to choose another solicitor. If you want to look up the details, they are in paragraph 6.4 or Annex B of Code I of the Codes of Practice.

Telling someone that you are at the police station

There are times when the police will not allow you to contact anyone. Information about these is given in the Codes of Practice. If you want to look up the details, they are in Annex B of Code I of the Codes of Practice.

Independent Custody Visitors

There are members of the community who are allowed access to police stations unannounced. They are known as independent custody visitors and work on a voluntary basis to make sure that detained people are being treated properly and have access to rights.

You do not have a right to see an independent custody visitor or to ask them to visit you but a visitor may ask to see you. If an independent custody visitor does visit you while you are in custody they will be acting independently of the police to check that your welfare and rights have been protected. However, you do not have to speak to them if you do not wish to.

How to make a complaint

If you want to complain about the way you have been treated, ask to speak to a police officer who is an inspector or a higher rank. After being released, you can also make a complaint at any police station, to the Independent Office for Police Conduct (IOPC) or through a solicitor or your MP on your behalf.