



Home Office

Revised Code of Practice for Schedule 7 to the Terrorism Act (TACT) 2000.

Revised Code of Practice for Schedule 3 to the Counter-Terrorism and Border Security Act (CTBSA) 2019.

Government consultation

This consultation begins on Monday 17th March 2025

This consultation ends on Sunday 27th April 2025

About this consultation

- To:** Representations are welcomed from UK police forces who exercise the powers under Schedules 7 and 3, interest groups and the wider public.
- Duration:** From 17/03/2025 to 27/04/2025
- Enquiries (including requests for the paper in an alternative format) to:** Schedules 7 and 3 Codes of Practice
4th Floor, Peel Building
Home Office
2 Marsham Street
London
SW10 4DF
Email: Schedule3and7codes@homeoffice.gov.uk
- How to respond:** Please send your response by 23:59 on Sunday 27th April 2025 to:
Email: Schedule3and7codes@homeoffice.gov.uk
- Response paper:** A response to this consultation exercise is due will be published on gov.uk after the end of the consultation.

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Ministerial Foreword

Schedules 7 to the Terrorism Act (TACT) 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act (CTBSA) 2019 are important national security powers available at the UK border. The powers enable a counter-terrorism police officer to stop, question and when necessary, search and detain individuals travelling through UK ports and the border area to determine whether that person is, or has been, involved in the commission, preparation or instigation of acts of terrorism under Schedule 7 and, under Schedule 3, to determine if they are engaged in hostile activity. Counter-terrorism police officers may stop and question a person whether or not there are grounds for suspecting that the person is or has been concerned in terrorism or hostile state activity.

Schedules 7 and 3 provide counter-terrorism police with exceptional powers which is why it is important that there are also strong and robust safeguards in place. The statutory Codes of Practice set out the processes and safeguards governing the exercise of Schedule 7 and 3 powers by counter-terrorism police officers. They give detail on how the powers should be used and are intended to ensure the highest standards of professionalism are maintained when using these important powers.

This consultation covers the government's proposals to clarify aspects of the Codes, thereby strengthening safeguards in several areas. It is important that the Codes of Practice are clear for both counter-terrorism police who operate the powers and for those subject to them. In so doing, the government is also responding to two recommendations made by Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation (IRTL).

The proposed changes relate to: public order policing and the stop of Ernest Moret; the use of the powers in the border area in Northern Ireland; a detained person's right to consular access; and examination notification requirements.

We are grateful for your engagement and look forward to receiving your feedback to the consultation.

Dan Jarvis MBE MP

Security Minister

Executive Summary

Schedule 7 to the Terrorism Act (TACT) 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act (CTBSA) 2019 are important national security powers available at the UK border. The powers enable a counter-terrorism police officer to stop, question and when necessary, search and detain individuals travelling through UK ports and the border area to determine whether that person is, or has been, involved in the commission, preparation or instigation of acts of terrorism under Schedule 7 and, under Schedule 3, to determine if they are engaged in hostile activity.¹ Counter-terrorism police officers may stop and question a person whether or not there are grounds for suspecting that the person is or has been concerned in terrorism.

The Codes of Practice set out the processes and safeguards governing the exercise of Schedule 7 and 3 powers by examining officers. The proposals in this consultation concern clarifications and amendments in relation to:

1. Schedule 7 and public order policing;
2. the border area²;
3. an individual's right to consular access and notification; and
4. notification requirements at the start of a Schedule 7 examination.

The Home Office is also taking this opportunity to correct a minor error in the Schedule 3 Code of Practice at paragraph 124.

Under paragraph 7 of Schedule 14 to TACT 2000 and paragraph 56 of Schedule 3 to CTBSA 2019, before laying the Code of Practice before Parliament, the Home Office must publish a draft of the Code, consider any representations made about the draft, and, where appropriate, modify the draft in light of such representations.

¹ These powers are available to examining officers who are defined at paragraph 1(1) of Schedule 7 and paragraph 64(3) of Schedule 3. In practice, only trained and accredited officers from counter-terrorism policing will use these powers.

² A place in Northern Ireland is within the border area if it is no more than one mile from the border between Northern Ireland and the Republic of Ireland, or if a train goes from the Republic of Ireland to Northern Ireland, the first place in Northern Ireland at which it stops for the purpose of allowing passengers to leave is within the border area.

Introduction

The Consultation

This paper sets out four consultation changes the Home Office proposes making to the Schedule 7 and 3 Codes of Practice. These draft Codes are annexed to this consultation. The consultation is aimed at police forces in the UK who operate the power but also welcomes comments from interest groups and the wider public in the UK.

A full impact assessment has not been completed, as the scale of impacts outlined below would make a full impact assessment disproportionate. The proposed changes to the Codes of Practice clarify the existing scope of the powers and so the corresponding costs are likely to be minimal. As there are no significant impacts on the private, voluntary, or public sectors foreseen a full impact assessment is not required. Instead proportionate economic appraisal has been conducted demonstrating low familiarisation costs of between £700 and £2,900 with other costs like printing deemed negligible.

As the proposed changes are to clarify the existing rights and duties and to impose additional safeguards where appropriate, a full equalities impact assessment has not been completed.

The consultation is focused on the proposed changes to the Codes of Practice and welcomes comments on the revised language only.

The Proposals

Background

The Codes of Practice for Schedule 7 and Schedule 3 set out the processes and safeguards governing the exercise of these powers by counter-terrorism police officers, the rights and duties of those subject to the power, and the requirement for training and accreditation which officers must pass before being able to use the powers without supervision. The Codes give detail on how these powers should be used, including examples where relevant.

The Codes are primarily intended to guide counter-terrorism police officers at the border in the exercise of the powers. Once issued, the revised Code has statutory force, and officers exercising Schedule 7 and Schedule 3 functions must perform them in accordance with the Code.

The Home Office proposes to make changes in the following areas:

(1) Schedule 7 and Public Order Policing

Background

In 2023, the Independent Reviewer of Terrorism Legislation (IRTL) undertook an investigation into the use of Schedule 7 powers against Ernest Moret on 17th and 18th April 2023 at St Pancras International Station. His purpose was to consider whether Schedule 7 was used correctly, and whether any recommendations can be made for the future. In this report, the IRTL recommended that the Code of Practice is amended to specify that Schedule 7 should not be used for the purpose of public order policing.

The Government naturally agrees that Schedule 7 should be used solely for establishing an individual's involvement in the commission, preparation or instigation of acts of terrorism as it was intended and that it should never be used for the purpose of public order policing. However, as the IRTL comments, there is no clear dividing lines between terrorism and violent activism or protest which means it is important to recognise that there might be times when it is appropriate to use Schedule 7 powers to examine individuals who are involved in violent protest or activism to determine if their activity would mean they are involved in the commission, preparation or instigation of acts of terrorism. For example, an individual whose protest activity is violent or threatens serious violence and, through this, seeks to advance a political, racial, religious, or ideological cause might meet the definition of terrorism and, therefore, use of Schedule 7 powers against this individual may be appropriate.

Amendments

To further clarify the purpose of Schedule 7, the following paragraph is being considered for inclusion at paragraph 9 of the Schedule 7 Code (annex A):

- “The use of Schedule 7 powers should be confined to its purpose of determining whether a person at a UK port or the border area is, or has been, involved in the commission, preparation, or instigation of acts of terrorism. Schedule 7 powers should not be used for the purpose of public order policing. There may be instances, however, where the nature of a person's involvement in protest activity could indicate that they are concerned, for example, in the instigation of acts of terrorism, as defined by the Terrorism Act 2000. In such cases, after careful consideration, it may be appropriate to use Schedule 7 powers to determine whether they appear to be someone who is, or has been, involved in terrorism. This example is illustrative and not intended to be exhaustive.”

(2) The Border Area

Background

In his [2022 report](#), the IRTL recommended that the Government abolish Schedule 7 powers in the border area of Northern Ireland. The Home Secretary recently rejected this recommendation as the threats the UK faces from terrorism means we must continue to have the strongest possible powers at our international borders. In making this recommendation, the IRTL also made specific comments about the preparatory power at paragraph 3 of Schedule 7 which allows an officer to examine or detain an individual to determine their purpose in the border area. This power is necessary to ensure that only those in scope of Schedule 7 (i.e. those who are in the border area for the purpose of exiting or entering Northern Ireland) can be examined under the power. The IRTL has pointed out that whilst a court may interpret this power as preparatory, if taken at face value, the power could mean a person is examined (and detained) under terrorism powers without a counter-terrorism objective.

Amendments

In response to the IRTL, we are seeking to clarify that the paragraph 3 power (and its equivalent power at paragraph 2 to Schedule 3) is preparatory and should only be used when necessary and appropriate. The following are being considered for inclusion:

- addition of paragraph 23 in the Schedule 7 Code of Practice:

“In the border area in Northern Ireland, it may be less obvious to an examining officer that a person's presence there is connected with their entering or leaving Great Britain or Northern Ireland and/or they may be unable to form this belief through the engagement as described in paragraph 22. In such circumstances, an officer may first require (using their power under paragraph 3 of Schedule 7), a person to answer questions for the purpose of determining whether their presence in the area is connected with them entering or leaving Great Britain or Northern Ireland. An officer should only use their power under paragraph 3 in order to determine whether the conditions for use of the power in paragraph 2(2) are satisfied in order to then, if necessary, question them to determine whether the

individual appears to be a person falling within section 40(1)(b). The power at paragraph 3 should not, for example, be used for an immigration purpose.”

- addition in paragraph 24 in the Schedule 7 Code of Practice (underlined):

“Where an officer requires a person to answer questions for the purpose of determining whether they appear to be someone who is, or has been, concerned in the commission, preparation or instigation of acts of terrorism or to determine whether a person’s presence in the border area is connected with him entering or leaving Great Britain or Northern Ireland, this will constitute the beginning of a Schedule 7 examination.”

- addition in paragraph 25 in the Schedule 7 Code of Practice (underlined):

“The examining officer may only stop and question a person for the purpose of allowing a determination of whether that person appears to be someone who is or who has been concerned in the commission, preparation or instigation of acts of “terrorism” as defined in section 1 of the Terrorism Act 2000 or for the purpose of determining whether a person’s presence in the border area is connected with the person’s entry into, or departure, from, Northern Ireland. An examining officer should only exercise the examination power under paragraph 3 of Schedule 7 where they have been unable, or the officer deems it inappropriate, to determine an individual’s purpose for being in the border area through engagement (as described in paragraph 22) with that individual. An examining officer may stop and question a person whether or not there are grounds for suspecting that the person is or has been concerned in terrorism.”

- addition in paragraphs 80a and 80d in the Schedule 7 Code of Practice (underlined):

“The power to detain must be exercised in a manner which is proportionate to the legitimate aim. The decision of an examining officer to detain a person will be made on a case by case basis, but may be made for the types of reasons described below:

The person refuses to co-operate with any legal obligation or insists on leaving. For example, where the person obstructs or seeks to frustrate the examination or where lawful engagement and/or examination under have not allowed the examining officer to establish the purpose of someone’s presence in the border area such that detention for the purposes of paragraph 3 is needed to satisfy requirements of paragraph 2(2).

...

To facilitate relocation of the examination from a port location to another place, because there would be more suitable facilities at that place. For example, where a person in the border area might otherwise have to be detained on the roadside where they had crossed the border.”

Consultation: Schedules 7 and 3 Codes of Practice

- addition in paragraph 82a and 82b in the Schedule 7 Code of Practice (underlined):

“Detention does not necessitate taking the person to another place. An examining officer may consider relocation from a port location to a police station or any other place where the person’s presence is considered necessary:

If the port location or the border area is unsuitable for continued examination i.e. due to a lack of facilities, such as refreshments, toilets, or for some other welfare consideration.”

To gain access to facilities or equipment not available at the port or the border area i.e. interpretation and translation services, video/audio recording, biometric sampling equipment; and/or

- addition in The Notice of Detention under Schedule 7 to the Terrorism Act 2000 annexed to the Code of Practice (underlined):

“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 only be questioned to determine if your presence in the border area is connected with your entering or leaving Northern Ireland in order to satisfy the requirements of paragraph 2(2) to Schedule 7.³

Please note that the Home Office proposes making these changes to the equivalent paragraphs of the Schedule 3 Code of Practice (annex B) to ensure consistency.

(3) Rights to Consular Access and Notification

Background

The Home Office has been made aware that the Notice of Detention in the Schedule 7 Code of Practice is not sufficiently clear on a detained individual’s right under Article 36 of the Vienna Convention on Consular Relations, 1963.⁴ To avoid any confusion for those detained under Schedule 7, we propose clarifying these rights and explaining in the Notice of Detention that once a request for consular access or notification has been acted on by an examining officer, an individual can be questioned before their Consulate is available to speak to them or attend their place of detention.

Amendments

³ The equivalent paragraph in the Schedule 3 Code refers to “the requirements of paragraph 1(2) to Schedule 3.

⁴ See: [Vienna Convention on Consular Relations, 1963 \(un.org\)](https://www.un.org/Depts/los/convention_agreements/convention_overview_page.asp)

We propose to make the following additions to both the Schedule 7 and 3 Code of Practice at:

- paragraph 100 in the Schedule 7 Code of Practice (underlined):

“The detained person is entitled to obtain consular access upon request, where the individual is a citizen of an independent Commonwealth country or a national of a foreign country. The detained person must be informed of this right as soon as reasonably practicable. Should the detained person request that his or her High Commission, Embassy or Consulate be told of his or her whereabouts and the ground for his or her detention, the request will be acted upon as soon as reasonably practicable. The exercise of this right must not be interfered with. An examining officer may continue to examine the detained person before contact with their Consul has been achieved. The examining officer may also continue to examine the detained person if the consulate has been notified. Finally, the examining officer may continue the questioning if the Consul is not available to communicate directly with the detained person. In all of these circumstances, the individual must comply with their duties under Schedule 7.”⁵

- addition in The Notice of Detention under Schedule 7 to the Terrorism Act 2000 annexed to the Code of Practice (underlined):

“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. You may also request that your High Commission, Embassy or Consulate be told of your whereabouts and the ground for your detention. If you do, this request will be acted upon as soon as practicable. The exercise of this right may not be interfered with. You may be questioned before contact with your Consul has been achieved and must still comply with your duties under Schedule 7.”

Please note that the Home Office proposes making these changes to the equivalent paragraphs of the Schedule 3 Code of Practice to ensure consistency.

(4) Notification Requirements

Background

An officer must notify an individual that they are subject to a Schedule 7 examination. This is an important safeguard to prevent an individual risking a penalty for refusal or failure to comply with a compulsory power.

The Home Office has been made aware of a gap in the Code of Practice whereby it is not clear that this notification can take place in writing which may be more appropriate in some circumstances. By making this change, we are ensuring that an individual subject to the

⁵ The references in paragraph 149 and the Notice of Detention of the Schedule 3 Code are to Schedule 3.

Consultation: Schedules 7 and 3 Codes of Practice

power is fully aware of their duties and obligations once they have been selected for examination.

Amendments

To ensure counter-terrorism police can notify an individual that they are subject to Schedule 7 in writing, the following amendment is being considered for inclusion at:

- paragraph 33 of the Schedule 7 Code of Practice:

“The examining officer must not exercise examination powers under Schedule 7 with respect to any person unless that person has been notified, verbally or in writing, that an examination has commenced.”

Please note that the Home Office proposes making these changes to the equivalent paragraphs of the Schedule 3 Code of Practice to ensure consistency.

Consultation

The Home Office is seeking views on these additions to the Codes of Practice and whether they clarify:

- a) that Schedule 7 should not be used for the purpose of public order policing;
- b) the purpose of the preparatory power in the border area and whether the proposed safeguards are appropriate;
- c) the rights to consular access and notification of a detained person under Schedule 7 and 3; and
- d) that counter-terrorism police can notify an individual of the start of their examination in writing.

Please note that the Home Office is not seeking general views on Schedule 7 to TACT 2000, Schedule 3 to the CTBSA 2019, or the exercise of these powers by the police generally.

Thank you for your interest in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 23:59 on Sunday 27th April 2025 to:

Email: Schedule3and7codes@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at www.gov.uk/government/consultations/changes-to-the-codes-of-practice-for-schedule-7-and-schedule-3

Alternative format versions of this publication can be requested from alternativeformats@homeoffice.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published on gov.uk after the end of the consultation. The response paper will be available online at gov.uk.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information

you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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