

## Who can stop you?

You can be stopped by any of the following:

- a police constable;
- an immigration officer; or
- a customs officer.

There is no requirement for these officers to be in uniform, and they will often be in civilian clothes. An officer may also authorise another person to carry out an examination or search on his or her behalf.

## When can you be stopped?

Section 40(1)(b) of the Terrorism Act 2000 applies to a person who has been concerned with the commission, preparation or instigation of acts of terrorism.

An officer has the power to stop, question and detain a person in

order to determine whether they fall within Section 40(1)(b). This is *whether or not* an officer has reasonable grounds for suspecting that you fall in that category.

You cannot be stopped if the officer is aware that you are at a port for a purpose other than travel, such as if you are an employee at an airport or meeting a passenger.

## What to do if you are stopped or searched:

### Your rights under Schedule 7:

- You do not have to answer any questions about other people's behaviour as this would be beyond the powers of questioning under Schedule 7;
- If you are searched, you have a right to be searched by a person of the same gender.

## The police cannot:

- Ask you to spy on/inform on members of your community - the Act exists to stop terrorism not as a recruitment tool for the police;
- Use force when questioning you;
- Take your DNA, fingerprints or intimate samples without your permission;

### However:

- You can be removed from a ship, aircraft or vehicle;
- Your person, belongings or the ship, aircraft, train or vehicle on which you were travelling can be searched;
- Any of your items or goods can be searched to ascertain whether they can be used in the commission, preparation or instigation of acts of terrorism;
- Your property can be confiscated for up to 7 days;

- You have to answer questions relating to potential involvement in the commission, preparation or instigation of any acts of terrorism;
- You could be found guilty of an offence if you wilfully fail to comply with the duty of cooperation imposed under the Schedule or if you obstruct or seek to frustrate a search or examination;
- If convicted, you can be liable to imprisonment not exceeding 3 months and/or a fine or both.

### Detention

Schedules 7 and 8 of the Terrorism Act 2000 allow the police to detain individuals who have been stopped under Schedule 7.

## What to do if you are detained after being stopped under Schedule 7:

### Your rights under Schedule 8

- You have a right to have a relative or a friend notified of your detention. If you are transferred to or between police stations, you can only ask for this notification at the last place you are detained.
- You have a right to request a solicitor to represent you. You are entitled to consult with that solicitor as soon as is reasonably practical, in private and at any time. A senior officer can require you to be within the sight and hearing of a uniformed inspector.
- You have a right to be told of any delays in either of these processes.

### The police cannot generally:

- Take your fingerprints or intimate samples without your permission;
- Arrest you solely on the basis that you refuse to consent to your DNA being taken.

### However:

- You can be transferred to any place which the officer considers appropriate for examining you under Schedule 7, establishing your nationality or arranging your admission into the UK;
- You can be detained for **up to 9 hours** beginning with the time when you were first stopped under Schedule 7;
- A Superintendent can authorise your fingerprints or non-intimate samples (such as your hair, nails, saliva or skin) to be taken **without your consent** at a police station if he or she is satisfied that this is *necessary* to determine whether you fall within s.40(1)(b). You must be informed of:
  - this authorisation,
  - the reasons why it was granted; and
  - the offence you are suspected of having committed before the sample can be taken.

If you need further legal advice support, including when you have been stopped please contact:

**Arani Solicitors**  
www.aranisolicitors.com  
Tel: 020 8893 5000  
07092 386 816

**Birnberg Peirce & Partners**  
Tel: 020 7911 0166

**Bindmans LLP**  
www.bindmans.com  
Tel: 020 7833 4433

If you would like support and advice to make a complaint against the Police please contact us:

**Islamic  
Human Rights  
Commission**



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# KNOW YOUR RIGHTS

What to do if you are stopped, detained or questioned by security services while travelling or at any UK port under Schedules 7 and 8 of the Terrorism Act 2000.

International, Ashford International and Ebbsfleet International);  
• On an airplane, ship, hovercraft, or on an international train (including in a vehicle);  
• At the Eurostar or Channel Tunnel terminals and stations in France and Belgium; and  
• Within one mile of the border between Northern Ireland and the Republic of Ireland or at the first train station in Northern Ireland for trains crossing the border.  
You can also be stopped in any place where an officer believes that you have gone there in order to embark or after having disembarked from any of these means of transport. This is likely to affect the surrounding areas or airports, hoverports, seaports and international train stations.

This means that you can be stopped:  
• At a seaport, an airport or hoverport;  
• At an international train station (i.e. London-St Pancras



# KNOW YOUR RIGHTS:

What to do if you are stopped, detained or questioned by security services while travelling or at any UK port under Schedules 7 and 8 of the Terrorism Act 2000.  
Where can you be stopped?  
Schedule 7 of the Terrorism Act 2000 allows the interrogation, search and potential detention of individuals by police and immigration officers at ports and borders, without reasonable cause or suspicion.