

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.

This means that you can be stopped:

- At a seaport, an airport or hoverport;
- At an international train station (i.e. London-St Pancras 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 of airports, hoverports, seaports and international train stations.

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.

Electronic Devices

- All electronic devices that belong to you or you are carrying can be seized, copied and analysed without a warrant;
- You can be required to provide the log in information, including passwords, to such devices;

- The officer may access emails using an application on the device being searched, but may not obtain the email username and password and log onto the email account from another computer;
- Schedule 7 does not give the examining officer the power to access information that is stored remotely (i.e. not on the device in the officer's possession, for example on another server), and the examining officer must not access such information or data – to do so would be unlawful.

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 6 hours beginning with the time when you were first stopped under Schedule 7;
- If detained at a police station, a Superintendent can authorise your

fingerprints or non-intimate samples (such as your hair, nails, saliva or skin) to be taken without your consent 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.
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- DNA taken during a schedule 7 stop is placed on the UK National DNA database and Counter Terrorism DNA database.

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

Arani Solicitors

www.aranisolicitors.com

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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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