

*Changes to legislation: Terrorism Act 2000, Cross Heading: Power to stop, question and detain is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 7

#### PORT AND BORDER CONTROLS

##### Modifications etc. (not altering text)

- C1** Sch. 7 modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**)
- C1** Sch. 7 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), **6**
- C1** Sch. 7 modified by S.I. 1993/1813, Sch. 4 para. 3 (as substituted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(2)(d), **Sch. 4 para. 21(1)** (with Sch. 4 para. 21(2)); S.I. 2020/792, reg. 2(i); (as amended (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), **5(6)(a)**)
- C1** Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), **art. 11(1)(b)**, Sch. 2 (as amended (31.3.2021) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2021 \(S.I. 2021/311\)](#), arts. 1(2), **2(7)(b)(i)**)

##### *Power to stop, question and detain*

- 2 (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he appears to be a person falling within section 40(1)(b).
- (2) This paragraph applies to a person if—
- (a) he is at a port or in the border area, and
  - (b) the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland [<sup>F1</sup>or his travelling by air within Great Britain or within Northern Ireland].
- (3) This paragraph also applies to a person on a ship or aircraft which has arrived [<sup>F2</sup>at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland).]
- [<sup>F3</sup>(3A) This paragraph also applies to a person if—
- (a) the person is—
    - (i) being detained under a provision of the Immigration Acts, or
    - (ii) in custody having been arrested under paragraph 17(1) of Schedule 2 to the Immigration Act 1971,
  - (b) the period of 5 days beginning with the day after the day on which the person was apprehended has not yet expired, and
  - (c) the examining officer believes that—

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- (i) the person arrived in the United Kingdom by sea from a place outside the United Kingdom, and
  - (ii) the person was apprehended within 24 hours of the person’s arrival on land.
- (3B) For the purposes of sub-paragraph (3A)(b) and (c), a person is “apprehended”—
- (a) in a case within sub-paragraph (3A)(a)(i) where the person is arrested (and not released) before being detained as mentioned in that provision, when the person is arrested;
  - (b) in any other case within sub-paragraph (3A)(a)(i), when the person is first detained as mentioned in that provision;
  - (c) in a case within sub-paragraph (3A)(a)(ii), when the person is arrested as mentioned in that provision.]
- (4) An examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).

#### Textual Amendments

- F1** Words in Sch. 7 para. 2(2)(b) inserted (14.12.2001) by [2001 c. 24, s. 118\(2\)](#)
- F2** Words in Sch. 7 para. 2(3) substituted (14.12.2001) by [2001 c. 24, s. 118\(3\)](#)
- F3** [Sch. 7 para. 2\(3A\)\(3B\)](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), ss. 78\(3\), 87\(5\)\(i\)](#)

- 3 An examining officer may question a person who is in the border area for the purpose of determining whether his presence in the area is connected with his entering or leaving Northern Ireland.
- 4 (1) A place in Northern Ireland is within the border area for the purposes of paragraphs 2 and 3 if it is no more than one mile from the border between Northern Ireland and the Republic of Ireland.
- (2) 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 for the purposes of paragraphs 2 and 3.
- 5 A person who is questioned under paragraph 2 or 3 must—
- (a) give the examining officer any information in his possession which the officer requests;
  - (b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes his identity;
  - (c) declare whether he has with him documents of a kind specified by the examining officer;
  - (d) give the examining officer on request any document which he has with him and which is of a kind specified by the officer.
- [<sup>F4</sup>5A (1) An answer or information given orally by a person in response to a question asked under paragraph 2 or 3 may not be used in evidence against the person in criminal proceedings.
- (2) Sub-paragraph (1) does not apply—
- (a) in the case of proceedings for an offence under paragraph 18 of this Schedule,
  - (b) on a prosecution for perjury, or

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- (c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the answer or information mentioned in sub-paragraph (1).
- (3) An answer or information may not be used by virtue of sub-paragraph (2)(c) unless—
  - (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,by or on behalf of the person in the proceedings arising out of the prosecution.
- (4) In sub-paragraph (2)(b) the reference to a prosecution for perjury is—
  - (a) in the case of England and Wales, a reference to a prosecution for an offence under section 5 of the Perjury Act 1911;
  - (b) in the case of Northern Ireland, a reference to a prosecution for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)).]

**Textual Amendments**

**F4** Sch. 7 para. 5A inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\), ss. 16, 27\(2\)\(a\); S.I. 2020/792, reg. 2\(a\)](#)

- 6 (1) For the purposes of exercising a power under paragraph 2 or 3 an examining officer may—
  - (a) stop a person or vehicle;
  - (b) detain a person.
- (2) For the purpose of detaining a person under this paragraph, an examining officer may authorise the person’s removal from a ship, aircraft or vehicle.
- (3) Where a person is detained under this paragraph the provisions of [<sup>F5</sup>Parts 1 and 1A] of Schedule 8 (treatment [<sup>F6</sup>and review of detention] ) shall apply.
- <sup>F7</sup>(4) .....

**Textual Amendments**

**F5** Words in Sch. 7 para. 6(3) substituted (1.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 9 para. 7\(2\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 4

**F6** Words in Sch. 7 para. 6(3) inserted (1.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 9 para. 7\(2\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 4

**F7** Sch. 7 para. 6(4) repealed (31.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 9 para. 2\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

- [<sup>F8</sup>6A (1) This paragraph applies where a person is questioned under paragraph 2 or 3.
- (2) After the end of the 1 hour period, the person may not be questioned under either of those paragraphs unless the person is detained under paragraph 6.
- (3) If the person is detained under paragraph 6 the person must be released not later than the end of the 6 hour period (unless detained under another power).
- [ If a person detained under paragraph 6 is removed to hospital because the person <sup>F9</sup>(3A) needs medical treatment—

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- (a) any time during which the person is being questioned under paragraph 2 or 3 in hospital or on the way there or back is to be included in calculating the 6 hour period, but
- (b) any other time when the person is in hospital or on the way there or back is not to be included.]

(4) In this paragraph—

“the 1 hour period” is the period of 1 hour beginning with the time the person is first questioned under paragraph 2 or 3;

“the 6 hour period” is the period of 6 hours beginning with that time.]

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#### Textual Amendments

- F8** Sch. 7 para. 6A inserted (31.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 9 para. 2\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)
- F9** Sch. 7 para. 6A(3A) inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), [ss. 18\(3\)](#), 27(2)(a); S.I. 2020/792, reg. 2(c)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 11(1)(aa) inserted by [2003 c. 44 Sch. 36 para. 14\(2\)](#)
- Sch. 4 para. 11(2A) inserted by [2003 c. 44 Sch. 36 para. 14\(3\)](#)
- Sch. 4 para. 11(1)(aa) words substituted by [2015 c. 2 Sch. 11 para. 17\(2\)](#)
- Sch. 4 para. 11(2A) words substituted by [2015 c. 2 Sch. 11 para. 17\(3\)](#)
- Sch. 8 para. 14(2A) inserted by [2008 c. 28 s. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 14(4)(ba) inserted by [2008 c. 28 s. 16\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 15(1)(aa)(ab) inserted by [2010 c. 17 s. 17\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(2A) inserted by [2010 c. 17 s. 17\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(4) inserted by [2010 c. 17 s. 17\(8\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14F(3)(b) and word omitted by [2012 c. 10 Sch. 24 para. 22](#) (This amendment not applied to legislation.gov.uk. The substitution of Sch. 8 para. 14F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14-14I substituted for Sch. 8 para. 14 by [2010 c. 17 s. 17\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20(3)-(3C) substituted for Sch. 8 para. 20(3) by [2010 c. 17 s. 18\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20F(3) words omitted by [2012 c. 10 Sch. 24 para. 23](#) (This amendment not applied to legislation.gov.uk. The insertion of Sch. 8 para. 20F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))