

Changes to legislation: Terrorism Act 2000, Cross Heading: Audio and video recording of interviews is up to date with all changes known to be in force on or before 20 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 8 **U.K.**

DETENTION

Modifications etc. (not altering text)

- C1** Sch. 8 applied (with modifications) (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 25\(1\)\(3\)\(4\)](#); S.I. 2006/1936, [art. 2](#)
- 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\(7\)\(b\)\(ii\)\(iii\)](#))

PART I **U.K.**

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 [F1 OR 43B] OR SCHEDULE 7

Textual Amendments

- F1** Words in Sch. 8 Pt. 1 heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 184\(2\)\(b\), 208\(5\)\(w\)](#)

Audio and video recording of interviews

- 3 (1) The Secretary of State shall—
- (a) issue a code of practice about the audio recording of interviews to which this paragraph applies, and
 - (b) make an order requiring the audio recording of interviews to which this paragraph applies in accordance with any relevant code of practice under paragraph (a).
- (2) The Secretary of State may make an order requiring the video recording of—
- (a) interviews to which this paragraph applies;
 - (b) interviews to which this paragraph applies which take place in a particular Part of the United Kingdom.
- (3) An order under sub-paragraph (2) shall specify whether the video recording which it requires is to be silent or with sound.
- (4) Where an order is made under sub-paragraph (2)—
- (a) the Secretary of State shall issue a code of practice about the video recording of interviews to which the order applies, and

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- (b) the order shall require the interviews to be video recorded in accordance with any relevant code of practice under paragraph (a).
- (5) Where the Secretary of State has made an order under sub-paragraph (2) requiring certain interviews to be video recorded with sound—
 - (a) he need not make an order under sub-paragraph (1)(b) in relation to those interviews, but
 - (b) he may do so.
- (6) This paragraph applies to any interview by a constable of a person detained under Schedule 7 or section 41 if the interview takes place in a police station.
- (7) A code of practice under this paragraph—
 - (a) may make provision in relation to a particular Part of the United Kingdom;
 - (b) may make different provision for different Parts of the United Kingdom.
- 4 (1) This paragraph applies to a code of practice under paragraph 3.
- (2) Where the Secretary of State proposes to issue a code of practice he shall—
 - (a) publish a draft,
 - (b) consider any representations made to him about the draft, and
 - (c) if he thinks it appropriate, modify the draft in the light of any representations made to him.
- (3) The Secretary of State shall lay a draft of the code before Parliament.
- (4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.
- (5) The Secretary of State may revise a code and issue the revised code; and sub-paragraphs (2) to (4) shall apply to a revised code as they apply to an original code.
- (6) The failure by a constable to observe a provision of a code shall not of itself make him liable to criminal or civil proceedings.
- (7) A code—
 - (a) shall be admissible in evidence in criminal and civil proceedings, and
 - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

Commencement Information

- II** Sch. 8 Pt. I para. 4 partly in force; Sch. 8 Pt. I para. 4 not in force at Royal Assent see s. 128; Sch. 8 Pt. I para. 4(1)-(5) in force at 12.10.2000 by [S.I. 2000/2800](#), [art. 2\(c\)\(ii\)](#); Sch. 8 in force at 19.2.2001 in so far as not already in force by [S.I. 2001/421](#), [art. 2](#)

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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))