



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 response

Published on: 23 June 2025

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Introduction and contact details

This document is the post-consultation report for the consultation paper, '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.'

It will cover:

- the background to the consultation
- a summary of the consultation responses
- a detailed response to the specific questions raised in the consultation
- the next steps following this consultation.

Further copies of this report, the consultation paper and revised drafts of the Codes of Practice to which this response relates can be obtained by contacting the Counter-Terrorism Ports Powers Team at the following email address:

Email: Schedule3and7codes@homeoffice.gov.uk

This report is also available at <https://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 via the above email if required.

Complaints or comments

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

Background

- 1) The consultation paper ‘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’ was published on 17th March 2025, inviting comments from police forces whose officers operate the power, the general public and public interest groups. Under paragraph 7 of Schedule 14 to TACT 2000 and paragraph 56 of Schedule 3 to CTBSA 2019, before laying the respective draft Codes before Parliament, the Secretary of State must publish a draft of the Code, consider any representations made about the draft, and where appropriate, modify the draft in light of any such representations.
- 2) Schedule 7 and Schedule 3 are important national security powers that 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 or hostile activity.
- 3) The Codes of Practice set out the processes and safeguards governing the exercise of Schedule 7 and Schedule 3 powers by examining officers. The proposals that were consulted on concern clarifications and amendments in relation to:
 - a. Schedule 7 and public order policing;
 - b. the border area²;
 - c. an individual’s right to consular access and notification, and
 - d. notification requirements at the start of a Schedule 7 examination.
- 4) The Home Office is also taking this opportunity to correct a minor error in the Schedule 3 Code of Practice at paragraph 124.

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.

Summary of responses

- 5) The consultation was open for 6 weeks, from 17th March 2025 to 27th April 2025. It was published on GOV.UK. Responses were accepted via email.
- 6) Within those 6 weeks we received one response to the public consultation, from the Independent Office for Police Conduct (IOPC). We are grateful for the time taken by them and their well-considered response.
- 7) Both the IOPC and another organisation emailed within those 6 weeks requesting permission to submit their response late. An additional week was granted to both organisations for them to respond, but the IOPC submitted within the original 6 weeks and the other organisation did not submit a response.
- 8) As part of the public consultation the Home Office also ran three virtual seminars with the frontline police officers who use these powers to provide them with an opportunity to respond directly. These officers were supportive of the changes and had no concerns with the proposed clarifications. We are grateful to those members of the police for taking the time to discuss these changes with us.
- 9) The Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, expressed support of the proposed changes in discussions with the Home Office. We are grateful to him for taking the time for these discussions.
- 10) The consultation complied with all aspects of the Cabinet Office consultation principles.

Responses to specific questions

11) The Home Office sought views on the 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**

We received no views in written response relating to this question. All views expressed during the three virtual sessions with frontline officers using the powers were supportive of the change.

b) **the purpose of the preparatory power in the border area and whether the proposed safeguards are appropriate**

All views expressed during the three virtual sessions with frontline officers using the powers were supportive of the change.

In their response, the IOPC suggested changes to the proposed text. These included rearranging paragraphs, additional footnotes referring to primary legislation, and making more explicit certain elements of the powers such as: when an examination commences, the time limits associated with examination or detention, and the requirement to notify the individual at the start of an examination.

The Home Office agrees with the IOPC that the suggestion of additional footnoting may aid the reader and will make this change to the Codes of Practice. However, the Home Office believes that the other proposed alterations are unnecessary as the intended effect is already achieved. The Home Office, Counter Terrorism Police Head Quarters, and counter terrorism police officers who are accredited to use the powers are all content with the clarity provided in the proposed versions.

c) **the rights to consular access and notification of a detained person under Schedule 7 and 3**

We received no views in written response relating to this question. All views expressed during the three virtual sessions with frontline officers using the powers were supportive of the change.

d) **that counter-terrorism police can notify an individual of the start of their examination in writing**

We received no views in written response relating to this question. All views expressed during the three virtual sessions with frontline officers using the powers were supportive of the change.

Response to points raised out of scope

12) The Home Office also received responses relating to issues that did not fall within the scope of the consultation:

- a) One respondent suggested police forces should ensure that written records be maintained and analysed to enable that any indication of disproportionate or inappropriate use of the powers may be properly identified and addressed.
- b) During the virtual seminars with frontline officers, the Home Office was made aware of a minor inconsistency which we will seek to amend. This change involves amending the wording of a footnote to ensure the reference to a review officer – an officer of a more senior rank who has certain functions in the exercise of Schedule 7 and 3 powers – is correct. We will change:

Schedule 7, footnote 31: *“The Review Officer must be one rank above the officer carrying out the Schedule 7 examination.”*

&

Schedule 3, footnote 33: *“The Review Officer must be one rank above the officer carrying out the Schedule 3 examination.”*

to

Schedule 7, footnote 31: *“The Review Officer must be of at least one rank above the officer carrying out the Schedule 7 examination.”*

&

Schedule 3, footnote 33: *“The Review Officer must be of at least one rank above the officer carrying out the Schedule 3 examination.”*

Conclusion and next steps

- 13) We are grateful to those who took time to provide considered and detailed responses to this consultation, and for those members of the police who took time to respond virtually by attending one of our virtual consultation sessions. We have analysed the responses carefully to gain a better understanding of the issues raised and solutions offered to weigh up the best approach to take to strengthen the Codes.
- 14) The draft Codes of Practice will be laid before Parliament for approval. They will only come into operation once they have been debated in both Houses of Parliament and each House has expressly approved them.

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 Cabinet Office Consultation Principles 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf



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Any enquiries regarding this publication should be sent to us at Schedule3and7codes@homeoffice.gov.uk