Draft Order laid before Parliament under section 123(4) of the Terrorism Act 2000 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

PREVENTION AND SUPPRESSION OF TERRORISM

The Terrorism Act 2000 (Code of Practice for Examining Officers and Review Officers) Order 2014

Made - - - -	*****
Coming into force - -	*31st July 2014*

The Secretary of State makes this Order in exercise of the powers conferred by section 123(1)(b) of and paragraph 7(3) and (4) of Schedule 14 to, the Terrorism Act 2000 ("the Act")(**a**).

The Secretary of State:

(a) has, in accordance with paragraph 6(4) of Schedule 14 to the Act, revised the code of practice in connection with the exercise by examining officers of functions conferred on them by virtue of the Act (**b**);

(b) proposes, in accordance with paragraph 1A(1) of Schedule 7 to the Act and paragraph 20K(8) and (9) of Schedule 8 to the Act to issue codes of practice under paragraph 6(1) of Schedule 14 to the Act;

(c) has, in accordance with paragraph 7(1)(a) of Schedule 14 to the Act, published a draft of the revised code of practice and a draft of the proposed codes of practice consolidated as one draft code;

(d) has, in accordance with paragraph 7(1)(b) and (c) of Schedule 14 to the Act, considered any representations made to the Secretary of State about the draft and, as thought appropriate, modified the draft accordingly; and

(e) has, in accordance with paragraph 7(2) of Schedule 14 to the Act, laid the draft of the code of practice before Parliament.

A draft of this instrument has been laid before Parliament under section 123(4) of the Act and has been approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order—

(**a**) 2000 c.11; relevant amendments to Schedules 7, 8 and 14 to the Act were made by paragraphs 1(3), 7 and 8 of Schedule 9 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12).

(**b**) The Code of Practice was previously brought into operation on 19th February 2001 in accordance with S.I. 2001/427 and a revised Code of Practice was brought into operation on 2nd July 2009 in accordance with S.I. 2009/1593.

Citation and Commencement

1. This Order may be cited as the Terrorism Act 2000 (Code of Practice for Examining Officers and Review Officers) Order 2014 and comes into force on 31st July 2014.

Revised and consolidated code of practice

2. The code of practice entitled "Code of Practice for Examining Officers and Review Officers under Schedule 7 to the Terrorism Act 2000" and laid before Parliament in draft on 12th June 2014 shall come into operation on 31st July 2014.

Exercise of functions at the time of coming into operation

3. The code of practice referred to in article 2 applies to the exercise of any function under Schedule 7 or 8 to the Terrorism Act 2000 by a person exercising functions as an examining officer or review officer for the purpose of Schedule 7 to that Act, after the code comes into operation, notwithstanding that the person may have started to exercise the function before it comes into operation.

Home Office — *Name*
Date — Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation the revised and consolidated code of practice ("the Code") issued under paragraph 6(1) and (4) of Schedule 14 to the Terrorism Act 2000 ("the Act") in connection with the exercise by examining officers and review officers of functions conferred on them by the Act. The Code revises the preceding code of practice to take account of amendments made to Schedules 7, 8 and 14 to the Act by the Anti-Social Behaviour, Crime and Policing Act 2014(**a**) which restrict the scope for exercise of powers and provide for further safeguards on their exercise. The Code consolidates the revised code issued under paragraph 6(4) of Schedule 14 to the Act with further codes of practice issued under paragraph 6(1) of Schedule 14 to the Act. The further codes were issued to fulfil the duties contained in paragraph 1A of Schedule 7 to the Act and paragraph 20K(7) to (8) of Schedule 8 to the Act (as inserted by the Anti-Social Behaviour, Crime and Policing Act 2014) to issue codes of practice relating to the training and designation procedure applicable to examining officers and review officers.

Schedule 7 to the Act permits examining officers covered by the Code to stop, question and detain persons for the purpose of determining whether they are a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism.

Schedule 8 to the Act permits examining officers covered by the Code to take detained persons to places of detention for examination under Schedule 7 and to take steps that are reasonably necessary to identify a detained person. Schedule 8 to the Act provides safeguards on the exercise of Schedule 7 powers including the provision of access to legal advice at public expense and the periodic review of detention by a review officer senior to the examining officer.

Article 3 of the Order provides that where a person begins exercising any power conferred by virtue of Schedule 7 or 8 to the Terrorism Act 2000 before the Code comes into operation and continues to exercise the power after the Code has come into operation, then the Code is applicable to the exercise of that power from the time it comes into force.

(**a**) 2014 c.12.

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