

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, PART 4. (See end of Document for details)

SCHEDULES

SCHEDULE 3

BORDER SECURITY

Modifications etc. (not altering text)

- C1** Sch. 3 modified by S.I. 1993/1813, **Sch. 4 para. 7** (as inserted (12.2.2019 for specified purposes; 13.8.2020 in so far as not already in force) by Counter Terrorism and Border Security Act 2019 (c. 3), s. 27(1)(g), Sch. 3 para. 63(1) (with s. 25(9), **Sch. 3 para. 63(2)**); S.I. 2020/792, **reg. 2(g)**)
- C1** Sch. 3 modified (30.9.2020 immediately after the amendments by S.I. 2020/915, art. 5 come into force) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(3), **6**
- C1** Sch. 3 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**)

PART 4

CODES OF PRACTICE

- 56 (1) The Secretary of State must issue codes of practice about—
- (a) training to be undertaken by constables, immigration officers and customs officers who are to act as examining officers or exercise other functions under this Schedule,
 - (b) the exercise by such persons of functions conferred on them by virtue of this Schedule,
 - (c) the video recording (with sound) of interviews by constables of persons detained under Part 1 of this Schedule at a police station, and
 - (d) reviews under Part 3 of this Schedule.
- (2) An examining officer must perform the functions conferred by virtue of this Schedule in accordance with any relevant code of practice in operation under sub-paragraph (1) (b).
- (3) A code of the kind mentioned in sub-paragraph (1)(c)—
- (a) may make different provision in relation to a particular part of the United Kingdom;
 - (b) may make different provision for different parts of the United Kingdom.
- (4) A code of the kind mentioned in sub-paragraph (1)(d) must include provision about training to be undertaken by persons who are to act as review officers.
- (5) The failure of an examining officer to observe a provision of a code does not of itself make the officer liable to criminal or civil proceedings.

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- (6) A code—
- (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (7) The Secretary of State may revise a code and issue the revised code.

Commencement Information

- I1** Sch. 3 para. 56 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)
I2 Sch. 3 para. 56 in force at 13.8.2020 in so far as not already in force by [S.I. 2020/792](#), **reg. 2(g)**

- 57 (1) Before issuing a code under paragraph 56 the Secretary of State must—
- (a) publish a draft code,
 - (b) consider any representations made about the draft, and
 - (c) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (2) The Secretary of State must lay a draft of the code before Parliament.
- (3) After the code has been laid before Parliament the Secretary of State may bring it into operation by regulations.
- (4) Sub-paragraphs (1) to (3) apply to the issue of a revised code as they apply to the first issue of the code.
- (5) Regulations under sub-paragraph (3) must be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

- I3** Sch. 3 para. 57 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)
I4 Sch. 3 para. 57 in force at 13.8.2020 in so far as not already in force by [S.I. 2020/792](#), **reg. 2(g)**

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