

## SCHEDULES

### SCHEDULE 9

#### PORT AND BORDER CONTROLS

*Right of person detained under Schedule 7 to have someone informed and to consult a solicitor*

- 5 (1) Schedule 8 to the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 1(5) (definition of examining officer) for “paragraph” there is substituted “Schedule”.
- (3) In paragraph 2(2)(d), the words “(within the meaning of that Schedule)” are omitted.
- (4) In paragraph 6, for “police station”, in each place, there is substituted “place”.
- (5) In paragraph 7(1) the words “at a police station” are omitted.
- (6) After paragraph 7 there is inserted—
- “7A (1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.
- (2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).
- (3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.
- (4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).
- (5) The detained person is entitled to consult a solicitor in person.
- (6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.
- (7) In that case the examining officer may require any consultation to take place in another way.
- (8) In this paragraph “the relevant matters” means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.”
- (7) In paragraph 8(1), for “an officer” there is substituted “a police officer”.
- (8) In paragraph 9(2)(a) and (b)—
- (a) the words “at a police station” are omitted;

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*Status: This is the original version (as it was originally enacted).*

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(b) for “an officer” there is substituted “a police officer”.

(9) In paragraph 16—

- (a) in sub-paragraphs (1) and (3), in each place, for “police station” there is substituted “place”;
- (b) in sub-paragraph (6), after “detained” there is inserted “as mentioned in sub-paragraph (1)”.

(10) After paragraph 16 there is inserted—

- “16A (1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.
- (2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).
- (3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.
- (4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).
- (5) The detained person is entitled to consult a solicitor in person.
- (6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.
- (7) In that case the examining officer may require any consultation to take place in another way.
- (8) In this paragraph “the relevant matters” means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.”

(11) In paragraph 17(1)—

- (a) for “An officer” there is substituted “A police officer”;
- (b) after “uniformed” there is inserted “police”.

(12) In paragraph 18—

- (a) in sub-paragraph (1), for “and” there is substituted “to”;
- (b) in sub-paragraph (2), for “police station” there is substituted “place”;
- (c) after sub-paragraph (2) there is inserted—

“(3) In relation to a person detained under Schedule 7 at a place other than a police station—

- (a) sub-paragraph (2), and
- (b) section 15(4) of the Criminal Procedure (Scotland) Act 1995 as applied by that sub-paragraph,

apply as if references to a constable included an examining officer.”