

KNOW YOUR RIGHTS: SCHEDULE 7

INTRODUCTION:

Schedule 7 is a power that the police, Home Office border staff and customs officers have been given. Its sole purpose is "to establish if a person is or has been "concerned" in the "commission, preparation or instigation of acts of terrorism".

Schedule 7 critics argue that it is used as a tool for religious, ethnic, political profiling and intelligence gathering from people who are normally stopped without any cause or suspicion.

WHAT IT MEANS?

The law allows for interrogation, search and detention of individuals at airports, sea ports, international train ports and land borders.

There is no need for reasonable cause or suspicion. So, if you are stopped, you are not suspected of being involved in a specific crime and you are not under arrest. However, what you say or any information examiners find (e.g. on your electronic devices) can be used against you or others.

Officers can take fingerprints, photographs and DNA. You can be held without arrest for up to 6 hours from the beginning of the examination. At 6 hours you can be arrested or you should be released.

THREE STAGES OF A SCHEDULE 7 STOP:

1) Initial Screening Phase (0 - 10 mins)

- Before the formal Schedule 7 begins.
- Simple questions to ascertain identity and reason for travel.

2) Examination Phase (up to 1 hour)

- After initial screening you may be selected for 'examination'.
- You must be informed that you are being examined under Schedule 7 and given an information leaflet.
- You should ask if you are free to leave. If you are not free to leave, ask if you have been detained. You can ask to contact a solicitor and next of kin, however at this stage it may be denied.
- You can ask for refreshments, breaks, access to healthcare (if needed) and provisions for religious observance (if necessary).
- Search of your person and luggage can be carried out by someone of the same gender.

3) Detention Phase (total time held cannot exceed 6 hours (inc. examination))

- If the review officer feels it necessary to question you for longer than an hour, they will extend to the third phase of detention.
- Remember you are not being arrested.
- You must be given a Notice of Detention under Schedule 7 to the Terrorism Act 2000 (TACT form). Be sure to read through this form carefully.
- You can ask to contact a solicitor and next of kin, at this stage it cannot be denied.
- On rare occasions strip searches and photographing can take place, you can ask for an officer of the same gender if appropriate.
- Taking of fingerprints, non-intimate and intimate samples can be enforced if authorised by a senior officer and you are moved to a police station.



GENERAL ADVICE:

- **Confidence:** Remember that you have done nothing wrong if stopped. You are not a criminal and are not even suspected of committing a crime. Remain calm and courteous.
- **Recording:** Carry a pen and paper/notebook to record officer's warrant numbers, department/police force and a detailed account of what happened, what questions were asked and the responses provided.
- **Memorise:** You should memorise the number of at least one solicitor and also a next of kin, as you will need these and you may not have your phone on you.
- **Electronics:** Property in your possession may be detained and searched. This includes electronic devices such as phones, tablets and laptops. You may be asked to provide passwords for such.
- Under Schedule 7 you are legally obliged to answer questions, related to the sole purpose of the power, put to you by the examiner, you may be prosecuted if you fail to do so. Be prepared to be presented with a wide range of questions covering almost all aspects of your life. **Keep it focussed and ask for an interpreter if you need one.**
- You have the right to obtain consular access if you are a citizen of another country.

MI5:

Sometimes, personnel other than police may ask to 'have a quick chat with you'. You are then presented with MI5 officers. This is important to remember that this is not done under Schedule 7 so that you are not legally obliged to answer to them.

The best practice is to politely refuse to engage. If they do not get the message then ask to see/speak to your solicitor.

WHAT TO DO AFTER YOU ARE RELEASED:

Contact **CAGE** to record your experience and get assistance to lodge a complaint.

For more information, please visit our Schedule 7 Project page at:
www.schedule7stories.com or **www.cageuk.org**

Telephone **0207 377 6700**
Email **contact@cageuk.org**

For a more details on the law around Schedule 7, please see the full article on our website.

PLEASE CALL THE FOLLOWING NUMBERS FOR LEGAL SUPPORT:

Please call the following numbers for legal support (even while you are being questioned):

Saghir Hussain
HMA Solicitors
info@hmasolicitors.co.uk
0203 167 4337 / 8

Gareth Pierce
Birnberg & Peirce Solicitors
0207 911 0166

Tayab Ali
Irvine Thanvi Natas
tali@itnsolicitors.com
0208 522 7707

Vajahat Sharif
Tuckers
london@tuckerssolicitors.com
0845 307 0004

Louise Christian
Christian Khan Solicitors
<http://www.ikandp.co.uk/ContactUs.asp>
0207 631 9500

