

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

DRAFT STATUTORY INSTRUMENTS

2009 No.

**PREVENTION AND
SUPPRESSION OF TERRORISM**

**The Terrorism Act 2000 (Code of Practice for
Examining Officers) (Revision) Order 2009**

Made - - - - 2009

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred on the Secretary of State by paragraph 7(3) and (4) of Schedule 14 to the Terrorism Act 2000 (“the Act”)(1).

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 (“the revised code of practice”)(2);
- (b) has, in accordance with paragraph 7(1) of Schedule 14 to the Act, published a draft of the revised code of practice, considered any representations made to the Secretary of State about the draft and, as thought appropriate, modified the draft accordingly; and
- (c) has, in accordance with paragraph 7(2) of Schedule 14 to the Act, laid the draft of the revised code of practice before Parliament.

A draft of this instrument has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order—

Citation and Commencement

1. This Order may be cited as the Terrorism Act 2000 (Code of Practice for Examining Officers) (Revision) Order 2009 and shall come into force two days after the day on which it is made.

(1) 2000 c.11.

(2) The Code of Practice was previously brought into operation on 19th February 2001 in accordance with S.I. 2001/427.

Revised code of practice

2. The revised code of practice entitled “Code of Practice issued under paragraph 6(4) of Schedule 14 to the Terrorism Act 2000” laid before Parliament in draft on 26th February 2009 shall come into operation two days after the day on which this Order is made.

Exercise of functions at the time of coming into operation

3. The revised code of practice referred to in article 2 shall apply to the exercise of any function under Schedules 7 or 8 to the Terrorism Act 2000 by a constable, an immigration officer or a customs officer who is designated for the purpose of Schedule 7 to that Act after the beginning of the day on which it comes into operation, notwithstanding that the person may have started to exercise the function before this time.

Home Office

Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation the revised code of practice made pursuant to paragraph 7 of Schedule 14 to the Terrorism Act 2000 in connection with the exercise by examining officers of functions conferred on them by virtue of the Act.

Schedule 7 to the Terrorism Act 2000 permits the persons covered by the revised 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 Terrorism Act 2000 permits the persons covered by the revised 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.

Article 3 of the Order makes provision in relation to persons who begin exercising any power conferred by virtue of Schedules 7 or 8 to the Terrorism Act 2000 before the revised code of practice comes into operation and continue to do so after it has come into operation.