

Terrorism Act 2000 (TACT) and National Security Act 2023

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This section provides the main considerations for custody officers and staff dealing with Terrorism Act 2000 (TACT) and National Security Act 2023 (NSA) detainees. Police and Criminal Evidence Act 1984 (PACE) [Code H](#) and [Schedule 8 of TACT](#) set out the expectations and powers placed on the police in connection with the detention, treatment and questioning by police officers of persons in police detention under TACT. [Code I](#) sets out the expectations and powers placed on the police in connection with the detention, treatment and questioning by police of persons in detention under Section 27 and [Schedule 6 of the National Security Act 2023](#).

Counter terrorism (CT) policing has developed TACT and NSA form templates, which are accessible for authorised users from [College Learn](#) (login required).

Designation of a police station

In comparison to PACE custody facilities, where it is the responsibility of the chief officer to designate police stations, the Secretary of State designates places at which a person may be detained under Section 41 and Schedule 8 of TACT. [Code H](#) applies and section 27 and Schedule 6 of the National Security Act 2023 and Section 27 and [Schedule 6 of the National Security Act 2023](#) and Code I apply (Schedule 6, paragraph 1(1) of the National Security Act 2023).

Read more about the [designation of a police station](#).

Lawful arrest

Section 41 of TACT provides that a constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist. Section 40 of TACT provides that a "terrorist" means a person who:

- (a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63 of TACT, or
- (b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.

Section 27 of the National Security Act provides that a constable may arrest without a warrant anyone who the constable reasonably suspects is, or has been, involved in foreign power threat activity.

Sections 31-33 of the National Security Act define the foreign power condition and foreign power threat activity.

Read more about [**lawful arrest**](#).

Arrival at station

The detainee may be booked in by the custody officer in a cell or booking-in area depending on the design of the suite. A forensic cell pod should be used if the detainee needs to be forensically searched and examined.

Read more about [**arrival at the station**](#).

Necessity to detain

During the booking-in process, the custody officer does not have to consider the following as it is the responsibility of the inspector who conducts the first review:

- the grounds for detention
- whether to grant bail
- whether to authorise or refuse detention

The inspector is required to review the necessity to detain as soon as practicable (see [**TACT Schedule 8, paragraphs 21 to 28**](#)). The same review requirement applies to Section 27 National Security Act detainees (see [**National Security Act 2003, Schedule 6, paragraphs 29 to 36**](#)).

Note: the '[**detention not authorised**](#)' paragraph also does not apply to a TACT/ section 27 National Security Act detainee during the booking-in process.

Read more about [necessity to detain](#).

Medical attention

A TACT or section 27 National Security Act 2023 detainee will be subject to medical examination as soon as practicable after arrival. They will also be offered a medical examination on release. Code H, paragraph 9.1 of PACE states that a TACT detainee who has been held for more than 96 hours must be visited by an appropriate healthcare professional (HCP) at least once every 24 hours.

[Code I](#), paragraph 9, sets out the same requirement for section 27 National Security Act detainees. Counter Terrorism Policing Headquarters (CTPHQ) and wider CT policing, however, routinely go beyond this minimum requirement and offer an examination on a daily basis after arrival.

Read more about [medical attention](#).

Considerations for decision making (urgent interviews)

In a TACT context, see paragraph 11.11 and paragraph 6.7(b)(i) of PACE [Code H](#).

In a National Security Context, see paragraph 11.12 and paragraph 6.6(a) and (b) of [PACE Code I](#)

Read more about [considerations for decision making](#).

Independent custody visits

Local arrangements should be in place to notify the independent custody visit scheme that a TACT/section 27 National Security Act 2003 detainee is in police custody.

Read more about [independent custody visits](#).

Visitor searches

As a condition of entry, CTPHQ and wider CT policing may require that non-police officers/police staff/contract detention staff are searched on arrival at the secure suite and on any subsequent visits to that area. The extent of the search will depend on the security level at the time and will be

determined by the duty inspector in conjunction with the CT senior investigating officer (SIO). It is important to note that any search must be consensual. If someone refuses, arrangements will need to be put in place to find an alternative person. Any impact on the rights of the detainee caused by a delay in these circumstances will need to be managed by the duty inspector and CT SIO. Where relevant (see [section 10](#) of PACE), searches will be subject to legal privilege. A notice detailing the reason and extent of the search will be provided to all visitors prior to being searched.

The police will provide secure facilities to ensure the safety of items that visitors are not allowed to take into custody areas (for example mobile phones, laptops, keys).

Transfer of detention

Transporting the detainee (for example, initial hearing at Westminster Magistrates' Court or transfer to prison) will depend on categorisation and may be the responsibility of the police.

The Prisoner Escorting and Custody Services (PECS) contractor can transfer detainee(s) but will not do so if they are categorised as CAT A detainee(s). TACT/ section 27 National Security Act 2023 detainees are given CAT status prior to leaving the custody suite as opposed to normal custody, hence why the decision will lie with police (this will be determined and communicated by regional CT policing units). PECs will only transport CAT B detainees.

Read more about [transfer of detention](#).

Supervision by an inspector

For TACT detainees, see [sections 21 to 28 of Schedule 8 of TACT 2000](#) and section 14 of PACE [Code H](#) for equivalent guidance.

For section 27 National Security Act detainees, see National Security Act 2023, and [Schedule 6](#), paragraphs 29 to 36 and section 13 of [PACE Code I](#).

Following an issue of a warrant for further detention, the duty inspector should conduct a daily welfare check for each detainee at least once in every 24-hour period. This check should consider:

- as far as is reasonable and appropriate, are welfare requirements being met (note: consider [detainee care](#) and any [equality and individual needs](#)) ?

- has the detainee seen the HCP that day?
- any current physical or **mental health** issues
- any medication requirements and, if so, have they been provided?
- whether three meals a day of good standard and variety have been provided and that reasonable requests for drinks have been met
- whether daily exercise for up to an hour duration has been offered and whether this has been accepted (and, if not, the reason for it)
- confirmation of the opportunity to shower daily
- the provision of suitable reading material
- that any religious requirements have been met
- allowed visit from, or telephone call to, family member or friend
- provision of clean clothes and bedding on a regular basis
- that the cell is clean, well lit, ventilated and at a comfortable temperature

Read more about [**supervision by an inspector**](#).

Exercise

PACE [**Code H, paragraph 8.7**](#) and [**PACE Code I, paragraph 8.6**](#) state that, as a minimum requirement, brief outdoor exercise shall be offered if practicable. Where facilities exist, indoor exercise should be offered as an alternative if outside conditions are such that a detainee cannot be reasonably expected to take outdoor exercise or if requested by the detainee for reasons of security. CTPHQ and wider CT policing routinely make provision for one hour of exercise a day. In addition to being offered opportunities for this daily exercise, TACT/section 27 National Security Act 2023 detainees should also be offered access to natural light.

Read more about [**exercise**](#).

Visits to detainees

As TACT/section 27 National Security Act 2023 detainees are potentially subject to longer periods of detention, visits from friends or family amount to an important welfare consideration (see section 5.4 of Code H and section 5.3 of Code I). Custody officers should liaise with the CT SIO to discuss visitor-related aspects of detainee welfare.

Buildings and facilities

TACT and National Security Act 2023 custody suites are designed in line with specific Ministry of Justice guidance. They differ in their specification from standard or volume custody suites.

Read more about [**building and facilities**](#).

Tags

Detention and custody