

2012 No. 1792

PREVENTION AND SUPPRESSION OF TERRORISM

The Terrorism Act 2000 (Video Recording with Sound of Interviews and Associated Code of Practice) Order 2012

Made - - - - *9th July 2012*

Coming into force - - *10th July 2012*

This Order is made in exercise of the powers conferred on the Secretary of State by paragraph 3(2)(b), (3) and (4)(b) and paragraph 4(4) of Schedule 8 to the Terrorism Act 2000 (“the Act”)(a).

The Secretary of State:

- (a) has, in accordance with paragraph 4(2) of that Schedule, published a draft code of practice about the video recording with sound of interviews to which article 3 of this Order applies; considered representations made to her about it and, as thought appropriate, modified the draft accordingly;
- (b) has, in accordance with paragraph 4(3) of that Schedule laid a draft of the code of practice before Parliament.

In accordance with section 123(4) of the Act, 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 (Video Recording with Sound of Interviews and Associated Code of Practice) Order 2012 and shall come into force on the day after it is made.

Video recording with sound

2.—(1) Any interview by a constable of a person detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000 shall, if the interview takes place in a police station in England, Wales or Scotland, be video recorded with sound in accordance with the code of practice referred to in article 3.

(2) In paragraph (1) “police station” includes a place designated under paragraph 1(1) of Schedule 8 to the Terrorism Act 2000 as a place where a person may be detained under section 41 of that Act.

Code of practice

3. The code of practice entitled “Code of Practice for the Video Recording with Sound of Interviews of Persons Detained under Section 41 of, or Schedule 7 to, the Terrorism Act 2000 and Post Charge Questioning of Persons Authorised under Sections 22 or 23 of the Counter-Terrorism Act 2008” and laid before Parliament in draft on 10th May 2012 shall, in so far as it relates to interviews to which article 2 of this Order applies, come into operation on the day on which this Order comes into force.

Home Office
9th July 2012

James Brokenshire
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order requires that any interview by a constable, which takes place in a police station within the meaning of paragraph 1(2) to Schedule 8 of the Terrorism Act 2000, of a person detained under Schedule 7 to that Act or under section 41 of that Act in England, Wales or Scotland must be video recorded with sound in accordance with the relevant code of practice. Article 3 of this Order brings into operation the relevant code of practice. The code of practice also applies to the post-charge questioning of persons authorised under sections 22 or 23 of the Counter-Terrorism Act 2008(a). In this respect, the code of practice is brought into operation by the Counter-Terrorism Act 2008 (Code of Practice for the Video Recording with Sound of Post-Charge Questioning) Order 2012(b).

The code of practice may be downloaded from the Home Office website.

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