

Terrorism Act 2000 (TACT)

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Written by College of Policing

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This section provides the main considerations for custody officers and staff dealing with Terrorism Act 2000 (TACT) 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.

Counter terrorism (CT) policing has developed the following TACT form templates, which are accessible for authorised users of College Learn.

[TACT 4](#) – Notice of arrest.

[TACT 5](#) – Notice to a legal representative of an arrest under section 41 of TACT.

[TACT 6](#) – Notice of an application for a warrant of further detention.

[TACT 7](#) – Notice to a legal representative of an application for a warrant of further detention (Schedule 8, Part III, paragraph 31).

[TACT 8](#) – Application for a warrant of further detention under the provisions of Schedule 8, Part III, paragraph 29 of TACT.

[TACT 9](#) – Notice of an application for an extension to the warrant of further detention.

[TACT 10](#) – Notice to a legal representative of an application for a warrant of further detention (Schedule 8, Part III, paragraph 36).

[TACT 11](#) – Application for an extension to the warrant of further detention under the provisions of Schedule 8, Part III, paragraph 36 of TACT.

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 for the purposes of Code H ([Schedule 8, paragraph 1\(1\) of TACT](#))

[Further information.](#)

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.

[Further information.](#)

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.

[Further information.](#)

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 21-28](#)).

Note: the '[detention not authorised](#)' paragraph also does not apply to a TACT detainee during the booking-in process.

[Further information.](#)

Medical attention

A TACT detainee will be subject to medical examination as soon as practicable after arrival and 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. 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.

[Further information.](#)

Considerations for decision making (urgent interviews)

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

[Further information.](#)

Independent custody visits

Local arrangements should be in place to notify the independent custody visit scheme that a TACT detainee is in police custody.

[Further information.](#)

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/ 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 categorised as CAT A detainee(s). TACT 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.

Further information.

Supervision by an inspector

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

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

Further information.

Exercise

PACE [Code H, paragraph 8.7](#) states 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 detainees should also be offered access to natural light.

Further information.

Visits to detainees

As TACT 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). Custody officers should liaise with the CT SIO to discuss visitor-related aspects of detainee welfare.

Buildings and facilities

TACT custody suites are designed in line with specific Ministry of Justice guidance and they differ in their specification from standard or volume custody suites.

Further information.

Tags

Detention and custody