

## SCHEDULES

### SCHEDULE 3

#### BORDER SECURITY

#### PART 1

#### POWERS

##### *Power to stop, question and detain*

- 1 (1) An examining officer may question a person for the purpose of determining whether the person appears to be a person who is, or has been, engaged in hostile activity if condition 1 or condition 2 is met.
- (2) Condition 1 is met if—
  - (a) the person is at a port or in the border area, and
  - (b) the examining officer believes that the person's presence at the port or in the border area is connected with the person's—
    - (i) entry into, or departure from, Great Britain or Northern Ireland, or
    - (ii) travel by air within Great Britain or Northern Ireland.
- (3) Condition 2 is met if the person is on a ship or aircraft which has arrived at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland).
- (4) An examining officer may exercise the powers under this paragraph whether or not there are grounds for suspecting that a person is or has been engaged in hostile activity.
- (5) A person is or has been engaged in hostile activity for the purposes of this Schedule if the person is or has been concerned in the commission, preparation or instigation of a hostile act that is or may be—
  - (a) carried out for, or on behalf of, a State other than the United Kingdom, or
  - (b) otherwise in the interests of a State other than the United Kingdom.
- (6) An act is a "hostile act" if it—
  - (a) threatens national security,
  - (b) threatens the economic well-being of the United Kingdom in a way relevant to the interests of national security, or
  - (c) is an act of serious crime.
- (7) For the purposes of this paragraph—
  - (a) it is immaterial—
    - (i) whether a person is aware that activity in which they are or have been engaged is hostile activity, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) whether a State for or on behalf of which, or in the interests of which, a hostile act is carried out has instigated, sanctioned, or is otherwise aware of, the carrying out of the act;
- (b) “State” includes the government of a State and any organ of its government;
- (c) references to a State other than the United Kingdom include references to any territory outside the United Kingdom;
- (d) the reference to serious crime is to crime where—
  - (i) the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence for which a person who has reached the age of 18 (or, in relation to Scotland or Northern Ireland, 21) and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more, or
  - (ii) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.