

SCHEDULES

SCHEDULE 5

PORT AND BORDER CONTROL

Detention pending examination etc.

- 6 (1) A person who is examined under this Schedule may be detained under the authority of an examining officer—
- (a) pending conclusion of his examination;
 - (b) pending consideration by the Secretary of State whether to make an exclusion order against him; or
 - (c) pending a decision by the Director of Public Prosecutions or Attorney General or, as the case may be, the Lord Advocate or the Director of Public Prosecutions or Attorney General for Northern Ireland whether proceedings for an offence should be instituted against him.
- (2) Subject to sub-paragraph (3) below, a person shall not be detained under sub-paragraph (1) above for more than forty-eight hours from the time when he is first examined.
- (3) The Secretary of State may, in any particular case, extend the period of forty-eight hours mentioned in sub-paragraph (2) above by a period or periods specified by him, but any such further period or periods shall not exceed five days in all and if an application for such an extension is made the person detained shall as soon as practicable be given written notice of that fact and of the time when the application was made.
- (4) A person liable to be detained under this paragraph may be arrested without warrant by an examining officer.
- (5) A person on board a ship or aircraft may, under the authority of an examining officer, be removed from the ship or aircraft for detention under this paragraph; but if an examining officer so requires, the captain of the ship or aircraft shall prevent from disembarking in the relevant territory any person who has arrived in the ship or aircraft if the examining officer notifies him either that that person is the subject of an exclusion order or that consideration is being given by the Secretary of State to the making of an exclusion order against that person.
- (6) Where under sub-paragraph (5) above the captain of a ship or aircraft is required to prevent a person from disembarking he may for that purpose detain him in custody on board the ship or aircraft.
- (7) A person may be removed from a vehicle for detention under this paragraph.
- (8) In sub-paragraph (5) above “the relevant territory” has the same meaning as in paragraph 6 of Schedule 2 to this Act.