
Changes to legislation: *Terrorism Act 2000, Section 9 is up to date with all changes known to be in force on or before 23 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 8

DETENTION

Annotations:

Modifications etc. (not altering text)

- C1** Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(1\)\(b\)](#), [Sch. 2](#)
- C1** Sch. 8 applied (with modifications) (25.7.2006) by [Terrorism Act 2006 \(c. 11\)](#), [s. 25\(1\)\(3\)\(4\)](#); [S.I. 2006/1936](#), [art. 2](#)

PART I

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

Rights: England, Wales and Northern Ireland

- 9 (1) A direction under this paragraph may provide that a detained person who wishes to exercise the right under paragraph 7 may consult a solicitor only in the sight and hearing of a qualified officer.
- (2) A direction under this paragraph may be given—
- (a) where the person is detained ^{F1}... in England or Wales, by [^{F2}a police officer] of at least the rank of Commander or Assistant Chief Constable, or
 - (b) where the person is detained ... in Northern Ireland, by [^{F2}a police officer] of at least the rank of Assistant Chief Constable.
- [^{F3}(3) A direction under this paragraph may be given only if the officer giving it has reasonable grounds for believing—
- (a) that, unless the direction is given, the exercise of the right by the detained person will have any of the consequences specified in paragraph 8(4), or
 - (b) that the detained person has benefited from his criminal conduct and that, unless the direction is given, the exercise of the right by the detained person will hinder the recovery of the value of the property constituting the benefit.]
- (4) In this paragraph “a qualified officer” means a police officer who—
- (a) is of at least the rank of inspector,
 - (b) is of the uniformed branch of the force of which the officer giving the direction is a member, and
 - (c) in the opinion of the officer giving the direction, has no connection with the detained person’s case.

Changes to legislation: Terrorism Act 2000, Section 9 is up to date with all changes known to be in force on or before 23 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A direction under this paragraph shall cease to have effect once the reason for giving it ceases to subsist.

Annotations:

Amendments (Textual)

- F1** Words in Sch. 8 para. 9(2)(a) (b) omitted (31.7.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 9 para. 5(8)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)
- F2** Words in Sch. 8 para. 9(2)(a) (b) substituted (31.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 9 para. 5(8)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)
- F3** Sch. 8 para. 9(3) substituted (16.2.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 82(1)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(g)**

Modifications etc. (not altering text)

- C1** Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), s. 5(8)

Changes to legislation:

Terrorism Act 2000, Section 9 is up to date with all changes known to be in force on or before 23 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 11(1)(aa) inserted by 2003 c. 44 Sch. 36 para. 14(2)
- Sch. 4 para. 11(2A) inserted by 2003 c. 44 Sch. 36 para. 14(3)
- Sch. 4 para. 11(1)(aa) words substituted by 2015 c. 2 Sch. 11 para. 17(2)
- Sch. 4 para. 11(2A) words substituted by 2015 c. 2 Sch. 11 para. 17(3)
- Sch. 8 para. 14(2A) inserted by 2008 c. 28 s. 16(3) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 14(4)(ba) inserted by 2008 c. 28 s. 16(5) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 15(1)(aa) (ab) inserted by 2010 c. 17 s. 17(4)(b) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(2A) inserted by 2010 c. 17 s. 17(7) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(4) inserted by 2010 c. 17 s. 17(8) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14-14I substituted for Sch. 8 para. 14 by 2010 c. 17 s. 17(2) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20(3)-(3C) substituted for Sch. 8 para. 20(3) by 2010 c. 17 s. 18(2)(a) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))