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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Section 3 is up to date with all changes known to be in force on or before 29 March 2019. 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)

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## SCHEDULES

### SCHEDULE 21

#### NUISANCE OR DISTURBANCE ON HSS PREMISES

##### *Guidance about the power to remove etc.*

- 3 (1) The Department of Health, Social Services and Public Safety may from time to time prepare and publish guidance to HSS trusts and authorised officers about the powers in paragraph 2.
- (2) Such guidance may, in particular, relate to—
- (a) the authorisation by HSS trusts of authorised officers,
  - (b) the authorisation by authorised officers of HSS staff members to remove persons under paragraph 2,
  - (c) training requirements for authorised officers and HSS staff members authorised by them to remove persons under paragraph 2,
  - (d) matters that may be relevant to a consideration by authorised officers for the purposes of paragraph 2 of whether offences are being, or have been, committed under paragraph 1,
  - (e) matters to be taken into account by authorised officers in deciding whether there is reason to believe that a person requires medical advice, treatment or care for himself or herself or that the removal of a person would endanger the person's physical or mental health,
  - (f) the procedure to be followed by authorised officers or persons authorised by them before using the power of removal in paragraph 2,
  - (g) the degree of force that it may be appropriate for authorised officers or persons authorised by them to use in particular circumstances,
  - (h) arrangements for ensuring that persons on HSS premises are aware of the offence in paragraph 1 and the powers of removal in paragraph 2, or
  - (i) the keeping of records.
- (3) Before publishing guidance under this paragraph, the Department of Health, Social Services and Public Safety must consult such persons as the Department considers appropriate.
- (4) An HSS trust and an authorised officer must have regard to any guidance published under this paragraph when exercising functions under, or in connection with, paragraph 2.
- (5) In this paragraph—
- “authorised officer” has the same meaning as in paragraph 2, and
  - “HSS premises”, “HSS staff member” and “HSS trust” have the same meaning as in paragraph 1.

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**Annotations:**

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**Commencement Information**

- I1** Sch. 21 para. 3(1)-(3)(5) in force at 22.6.2009 by S.R. 2009/243, **art. 2(b)**
- I2** Sch. 21 para. 3(4) in force at 18.10.2010 by S.R. 2010/349, **art. 2**

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**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. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)