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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 42. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### DETENTION UNDER SECTION 27

#### PART 6

#### EXTENSION OF DETENTION UNDER SECTION 27

##### *Information*

- 42 (1) A person who has made an application for a warrant may apply to the judicial authority for an order that specified information upon which the person intends to rely be withheld from—
- (a) the person to whom the application relates, and
  - (b) anyone representing the person.
- (2) Subject to [sub-paragraph \(3\)](#), a judicial authority may make an order under [sub-paragraph \(1\)](#) in relation to specified information only if satisfied that there are reasonable grounds for believing that if the information were disclosed—
- (a) evidence of an offence under any of the provisions mentioned in [section 33\(3\)\(a\)](#) would be interfered with or harmed,
  - (b) evidence of an offence under [section 18](#) would be interfered with or harmed,
  - (c) the recovery of property obtained as a result of an offence under any of those provisions would be hindered,
  - (d) the apprehension, prosecution or conviction of a person who is suspected of being involved in foreign power threat activity would be made more difficult as a result of the person being alerted,
  - (e) the prevention of foreign power threat activity would be made more difficult as a result of a person being alerted,
  - (f) the gathering of information about the commission, preparation or instigation of foreign power threat activity would be interfered with, or
  - (g) a person would be interfered with or physically injured.
- (3) A judicial authority may also make an order under [sub-paragraph \(1\)](#) in relation to specified information if satisfied that there are reasonable grounds for believing that—
- (a) the detained person has benefited from their criminal conduct, and
  - (b) the recovery of the value of the property constituting the benefit would be hindered if the information were disclosed.
- (4) For the purposes of [sub-paragraph \(3\)](#) the question whether a person has benefited from their criminal conduct is to be decided in accordance with Part 2, 3 or 4 of the Proceeds of Crime Act 2002.

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- (5) The judicial authority may direct that the following be excluded from the hearing of the application under [this paragraph](#)—
- (a) the person to whom the application for a warrant relates, and
  - (b) anyone representing that person.

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**Commencement Information**

- I1** Sch. 6 para. 42 not in force at Royal Assent, see 100(1)  
**I2** [Sch. 6 para. 42](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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