
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 9. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 2

RIGHTS OF PERSONS DETAINED UNDER SECTION 27: ENGLAND, WALES AND NORTHERN IRELAND

Delay in exercise of rights

- 9 (1) A police officer of at least the rank of superintendent may authorise a delay—
- (a) in informing the person named by a detained person under [paragraph 6](#);
 - (b) in permitting a detained person to consult a solicitor under [paragraph 7](#).
- (2) But the detained person must be permitted to exercise the rights under [paragraphs 6 and 7](#) before the end of the period mentioned in [section 27\(3\)](#).
- (3) An officer may authorise a delay under [sub-paragraph \(1\)](#) only if the officer has reasonable grounds for believing—
- (a) in the case of an authorisation under [sub-paragraph \(1\)\(a\)](#), that informing the named person of the detained person's detention will have any of the consequences specified in [paragraph 8\(4\)](#), or
 - (b) in the case of an authorisation under [sub-paragraph \(1\)\(b\)](#), that the exercise of the right under [paragraph 7](#) at the time when the detained person desires to exercise it will have any of the consequences specified in [paragraph 8\(4\)](#).
- (4) An officer may also authorise a delay under [sub-paragraph \(1\)](#) if the officer has 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 will be hindered by—
 - (i) informing the named person of the detained person's detention (in the case of an authorisation under [sub-paragraph \(1\)\(a\)](#)), or
 - (ii) the detained person's consultation with a solicitor (in the case of an authorisation under [sub-paragraph \(1\)\(b\)](#)).
- (5) For the purposes of [sub-paragraph \(4\)](#), whether the detained person has benefited from their criminal conduct is to be decided in accordance with Part 2 or 4 of the Proceeds of Crime Act 2002.
- (6) Where an officer authorises a delay under [sub-paragraph \(1\)](#) orally, the officer must confirm it in writing as soon as is reasonably practicable.
- (7) Where an officer authorises a delay under [sub-paragraph \(1\)](#)—

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- (a) the detained person must be told the reason for the delay as soon as is reasonably practicable, and
 - (b) the reason must be recorded as soon as is reasonably practicable.
- (8) Where the reason for authorising delay no longer applies, there may be no further delay in permitting the exercise of the right in the absence of a further authorisation under [sub-paragraph \(1\)](#).

Commencement Information

- I1** Sch. 6 para. 9 not in force at Royal Assent, see 100(1)
- I2** Sch. 6 para. 9 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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