

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Rights: England, Wales and Northern Ireland

- 32 (1) A police officer of at least the rank of superintendent may authorise a delay—
- (a) in informing the person named by a detainee under paragraph 29;
 - (b) in permitting a detainee to consult a solicitor under paragraph 30.
- (2) An officer may give an authorisation 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 detainee's detention will have any of the consequences specified in sub-paragraph (3), or
 - (b) in the case of an authorisation under sub-paragraph (1)(b), that the exercise of the right under paragraph 30 at the time when the detainee desires to exercise it will have any of the consequences specified in sub-paragraph (3).
- (3) Those consequences are—
- (a) interference with or harm to evidence of an indictable offence,
 - (b) interference with or physical injury to any person,
 - (c) the alerting of persons who are suspected of having committed an indictable offence but who have not been arrested for it,
 - (d) the hindering of the recovery of property obtained as a result of an indictable offence, or
 - (e) interference with the gathering of information about the commission, preparation or instigation of acts carried out in connection with a person's engagement in hostile activity.
- (4) If an authorisation under sub-paragraph (1) is given orally, the person giving it must confirm it in writing as soon as is reasonably practicable.
- (5) Where an authorisation under sub-paragraph (1) is given—
- (a) the detainee is to be told the reason for the delay as soon as is reasonably practicable, and
 - (b) the reason is to be recorded as soon as is reasonably practicable.
- (6) Where the reason for authorising delay ceases to subsist there may be no further delay in permitting the exercise of the right in the absence of a further authorisation under sub-paragraph (1).