

SCHEDULES

SCHEDULE 8

DETENTION

PART III

EXTENSION OF DETENTION UNDER SECTION 41

Information

- 34 (1) The officer who has made an application for a warrant may apply to the judicial authority for an order that specified information upon which he intends to rely be withheld from—
- (a) the person to whom the application relates, and
 - (b) anyone representing him.
- (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 40(1)(a) would be interfered with or harmed,
 - (b) the recovery of property obtained as a result of an offence under any of those provisions would be hindered,
 - (c) the recovery of property in respect of which a forfeiture order could be made under section 23 would be hindered,
 - (d) the apprehension, prosecution or conviction of a person who is suspected of falling within section 40(1)(a) or (b) would be made more difficult as a result of his being alerted,
 - (e) the prevention of an act of terrorism 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 an act of terrorism 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 committed an offence to which Part VI of the Criminal Justice Act 1988, Part I of the Proceeds of Crime (Scotland) Act 1995, or the Proceeds of Crime (Northern Ireland) Order 1996 (confiscation of the proceeds of an offence) applies,
 - (b) the detained person has benefited from the offence within the meaning of that Part or Order, and

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- (c) the recovery of the value of that benefit would be hindered, if the information were disclosed.
- (4) The judicial authority shall 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 him.