

Status: Point in time view as at 25/07/2006.

Changes to legislation: Terrorism Act 2000, Cross Heading: Extensions of warrants is up to date with all changes known to be in force on or before 15 April 2024. 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)

SCHEDULES

SCHEDULE 8

DETENTION

Modifications etc. (not altering text)

- C1** Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(1\)\(b\)](#), Sch. 2; (as amended (31.3.2021) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2021 \(S.I. 2021/311\)](#), arts. 1(2), [2\(7\)\(b\)\(i\)](#))
- C1** Sch. 8 applied (with modifications) (25.7.2006) by [Terrorism Act 2006 \(c. 11\)](#), [s. 25\(1\)\(3\)\(4\)](#); S.I. 2006/1936, [art. 2](#)

PART III

EXTENSION OF DETENTION UNDER SECTION 41

Extensions of warrants

- 36 ^{F1}(1) Each of the following—
- (a) in England and Wales, a Crown Prosecutor,
 - (b) in Scotland, the Lord Advocate or a procurator fiscal,
 - (c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,
 - (d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,
- may] apply ^{F2}. . . for the extension or further extension of the period specified in a warrant of further detention.
- ^{F3}(1A) The person to whom an application under sub-paragraph (1) may be made is—
- (a) in the case of an application falling within sub-paragraph (1B), a judicial authority; and
 - (b) in any other case, a senior judge.
- (1B) An application for the extension or further extension of a period falls within this sub-paragraph if—
- (a) the grant of the application otherwise than in accordance with sub-paragraph (3AA)(b) would extend that period to a time that is no more than fourteen days after the relevant time; and
 - (b) no application has previously been made to a senior judge in respect of that period.]
- (2) Where the period specified is extended, the warrant shall be endorsed with a note stating the new specified period.

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- [^{F4}(3) Subject to sub-paragraph (3AA), the period by which the specified period is extended or further extended shall be the period which—
- (a) begins with the time specified in sub-paragraph (3A); and
 - (b) ends with whichever is the earlier of—
 - (i) the end of the period of seven days beginning with that time; and
 - (ii) the end of the period of 28 days beginning with the relevant time.
- (3A) The time referred to in sub-paragraph (3)(a) is—
- (a) in the case of a warrant specifying a period which has not previously been extended under this paragraph, the end of the period specified in the warrant, and
 - (b) in any other case, the end of the period for which the period specified in the warrant was last extended under this paragraph.
- (3AA) A judicial authority or senior judge may extend or further extend the period specified in a warrant by a shorter period than is required by sub-paragraph (3) if—
- (a) the application for the extension is an application for an extension by a period that is shorter than is so required; or
 - (b) the judicial authority or senior judge is satisfied that there are circumstances that would make it inappropriate for the period of the extension to be as long as the period so required.]

[^{F5}(3B) In this paragraph “the relevant time”, in relation to a person, means—

 - (a) the time of his arrest under section 41, or
 - (b) if he was being detained under Schedule 7 when he was arrested under section 41, the time when his examination under that Schedule began.]

(4) Paragraphs 30(3) and 31 to 34 shall apply to an application under this paragraph as they apply to an application for a warrant of further detention[^{F6} but, in relation to an application made by virtue of sub-paragraph (1A)(b) to a senior judge, as if—

 - (a) references to a judicial authority were references to a senior judge; and
 - (b) references to the judicial authority in question were references to the senior judge in question.]

(5) A judicial authority [^{F7}or senior judge] may adjourn the hearing of an application under sub-paragraph (1) only if the hearing is adjourned to a date before the expiry of the period specified in the warrant.

(6) Sub-paragraph (5) shall not apply to an adjournment under paragraph 33(2).

[^{F8}(7) In this paragraph and paragraph 37 “senior judge” means a judge of the High Court or of the High Court of Justiciary.]

Textual Amendments

- F1** Words in Sch. 8 para. 36(1) substituted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(2\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F2** Words in Sch. 8 para. 36(1) repealed (25.7.2006) by [Terrorism Act 2006 \(c. 11\)](#), ss. 23(6), 37, Sch. 3 (with s. 23(12)); [S.I. 2006/1936, art. 2](#)
- F3** Sch. 8 para. 36(1A)(1B) inserted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(6\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)

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- F4** Sch. 8 para. 36(3)-(3AA) substituted for Sch. 8 para. 36(3)(3A) (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(7\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F5** Sch. 8 para. 36(3A)(3B) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\), s. 306\(4\)](#); [S.I. 2004/81, art. 2\(2\)](#) (with art. 2(8))
- F6** Words in Sch. 8 para. 36(4) inserted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(8\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F7** Words in Sch. 8 para. 36(5) inserted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(9\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F8** Sch. 8 para. 36(7) inserted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(10\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)

Modifications etc. (not altering text)

- C1** S. 36 extended (E.W.) (2.12.2002) by [2002 c. 30, s. 38, Sch. 4 Pt. 1 para. 14](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)

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