

*Status: Point in time view as at 19/02/2001.*

*Changes to legislation: Terrorism Act 2000, Cross Heading: Information is up to date with all changes known to be in force on or before 20 June 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

##### *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—
- the person to whom the application relates, and
  - 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—
- evidence of an offence under any of the provisions mentioned in section 40(1)(a) would be interfered with or harmed,
  - the recovery of property obtained as a result of an offence under any of those provisions would be hindered,
  - the recovery of property in respect of which a forfeiture order could be made under section 23 would be hindered,
  - 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,
  - the prevention of an act of terrorism would be made more difficult as a result of a person being alerted,
  - the gathering of information about the commission, preparation or instigation of an act of terrorism would be interfered with, or

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- (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 <sup>M1</sup>Criminal Justice Act 1988, Part I of the <sup>M2</sup>Proceeds of Crime (Scotland) Act 1995, or the <sup>M3</sup>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
  - (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.

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**Marginal Citations**

**M1** 1988 c. 33.

**M2** 1995 c. 43.

**M3** S.I. 1996/1299 (N.I. 9).

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