

# COUNTER-TERRORISM ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 –Post-Charge Questioning of Terrorist Suspects**

##### ***Section 24 – Post-charge questioning: Northern Ireland***

76. *Subsection (2)* allows a district judge (magistrate's court) to authorise questioning of a person in Northern Ireland about an offence, for which they have been charged or after they have been officially informed that they may be prosecuted, by a constable where the offence is a terrorism offence (as defined in section 27) or where it appears to the judge that the offence has a terrorist connection (as defined in section 93).
77. *Subsections (3), (4), (5), and (6)* set out the same requirements for the authorisation of post-charge questioning in Northern Ireland as for England and Wales under *subsections (3), (4), (5), and (6)* of section 22.
78. *Subsections (7) and (8)* provide that codes of practice under Article 65 of PACE NI must make provision about post-charge questioning.
79. *Subsections (9) and (10)* amend the [Criminal Evidence \(Northern Ireland\) Order 1988 \(S.I. 1988/1987 \(N.I. 20\)\)](#) to allow adverse inferences to be drawn from an accused person's failure to mention facts when questioned, to cover post-charge questioning under this section.