



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 4

MANAGEMENT OF TERRORIST OFFENDERS

184 Terrorist offenders released on licence: arrest without warrant pending recall decision

(1) After section 43A of the Terrorism Act 2000 insert—

*“Offenders released on licence: powers in connection
with protecting public from risk of terrorism*

43B Terrorist offenders released on licence: arrest without warrant pending recall decision

- (1) Subject to subsection (2), a constable may arrest without warrant a terrorist offender who has been released on licence if the constable—
- (a) has reasonable grounds for suspecting that the offender has breached a condition of their licence, and
 - (b) reasonably considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to detain the offender until a recall decision is made.
- (2) A terrorist offender who is detained under this section must (unless recalled or otherwise detained under any other power) be released—

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- (a) if a recall decision is made not to revoke the offender’s licence (and accordingly the offender is not recalled to prison), as soon as practicable after that decision is made, or
 - (b) if a recall decision has not been made by the end of the relevant period, at the end of that period.
- (3) Part 1 of Schedule 8 makes provision that applies where a terrorist offender is arrested under this section.
- (4) In this section “terrorist offender” means—
 - (a) an offender to whom a restricted release provision applies or would apply but for the fact that the offender has been released on licence;
 - (b) a life prisoner within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34 of that Act) who is serving a sentence for an offence within section 247A(2) of the Criminal Justice Act 2003;
 - (c) a life prisoner within the meaning of Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (see section 27 of that Act) who is serving a sentence, or is subject to an order for lifelong restriction, for an offence within section 1AB(2) of that Act;
 - (d) a life prisoner within the meaning of the Life Sentences (Northern Ireland) Order 2001 ([S.I. 2001/2564 \(N.I. 2\)](#)) (see Article 2 of that Order) who is serving a sentence for an offence within Article 20A(2) of the Criminal Justice (Northern Ireland) Order 2008 ([S.I. 2008/1216 \(N.I. 1\)](#)).
- (5) For the purposes of this section—
 - (a) a reference to an offender who has been released on licence includes an offender who —
 - (i) has been released temporarily pursuant to rules made under section 47(5) of the Prison Act 1952 or section 13(1)(c) of the [Prison Act \(Northern Ireland\) 1953 \(c. 18 \(N.I.\)\)](#), or
 - (ii) has been released temporarily on licence pursuant to rules made under section 39(6) of the Prisons (Scotland) Act 1989;
 - (b) a reference to a condition of an offender’s licence includes a condition to which an offender’s temporary release is subject;
 - (c) a reference to revocation of an offender’s licence includes recall of an offender from temporary release.
- (6) In this section—
 - “prison” includes any place where a person is liable to be detained;
 - “recall decision”, in relation to a terrorist offender who has been released on licence, means a decision by any person with the power to revoke the offender’s licence and recall the offender to prison whether or not to exercise that power;
 - the “relevant period” means—
 - (a) in relation to a terrorist offender who has been released on licence under the law of England and Wales, the period of 6 hours beginning with the time of the arrest under this section;
 - (b) in relation to a terrorist offender who has been released on licence under the law of Scotland or Northern Ireland, the period

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of 12 hours beginning with the time of the arrest under this section;

“restricted release provision” means—

- (a) section 247A of the Criminal Justice Act 2003;
- (b) section 1AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993;
- (c) Article 20A of the Criminal Justice (Northern Ireland) Order 2008.

(7) A person who has the powers of a constable in one part of the United Kingdom may exercise the power under subsection (1) in any part of the United Kingdom.”

(2) In Schedule 8 to the Terrorism Act 2000 (detention)—

- (a) in the shoulder reference, for “Section 41” substitute “Sections 41 and 43B”;
- (b) in the heading for Part 1, after “41” insert “or 43B”;
- (c) in paragraph 1, in sub-paragraphs (1), (2) and (4), after “41” insert “or 43B”;
- (d) in paragraph 2, before sub-paragraph (1) insert—

“(A1) This paragraph applies in the case of a person detained under Schedule 7 or section 41.”;

(e) in paragraph 6—

- (i) in sub-paragraph (1), for the words from “Subject to” to “section 41” substitute “A person detained under Schedule 7 or section 41 or 43B”;
- (ii) after sub-paragraph (1) insert—

“(1A) In the case of a person detained under Schedule 7 or section 41, sub-paragraph (1) is subject to paragraph 8.”;

(f) in paragraph 7—

- (i) in sub-paragraph (1), for the words from “Subject to” to “section 41” substitute “A person detained under Schedule 7 or section 41 or 43B”;
- (ii) after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) is subject—

- (a) in the case of a person detained under Schedule 7 or section 41, to paragraphs 8 and 9, and
- (b) in the case of a person detained under section 43B, to paragraph 9.”;

(g) in paragraph 8, before sub-paragraph (1) insert—

“(A1) This paragraph does not apply in the case of a person detained under section 43B (except for the purposes of paragraph 9(3)(a)).”;

(h) after paragraph 13 insert—

“13A No fingerprint, intimate sample or non-intimate sample may be taken from a person detained under section 43B.”;

(i) in paragraph 16—

- (i) in sub-paragraph (1), after “41” insert “or 43B”;
- (ii) in sub-paragraphs (4) and (7), at the beginning insert “Where a person is detained under Schedule 7 or section 41,”;

(j) in paragraph 18, in sub-paragraphs (1) and (2), after “41” insert “or 43B”.

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Commencement Information

II [S. 184](#) in force at 28.6.2022, see [s. 208\(5\)\(w\)](#)

Changes to legislation:

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