



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—
- has reasonable grounds for suspecting that the offender has breached a condition of their licence, and
 - 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—

Status: This is the original version (as it was originally enacted).

- (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

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”.