

Changes to legislation: *Terrorism Act 2000, Paragraph 36 is up to date with all changes known to be in force on or before 26 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) View outstanding changes*

SCHEDULES

SCHEDULE 8

DETENTION

Modifications etc. (not altering text)

- 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](#)
- 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\(7\)\(b\)\(ii\)\(iii\)](#))

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 [F⁴ is a judicial authority]
- F⁵(1B)]
- (2) Where the period specified is extended, the warrant shall be endorsed with a note stating the new specified period.
- [F⁶(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

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- (ii) the end of the period of [^{F7}14 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 ^{F8}... 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 ^{F8}... 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.]
- ^{F9}(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 ^{F10}...
- (5) A judicial authority ^{F11}... 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).
- ^{F12}(7)

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](#)
- F4** Words in Sch. 8 para. 36(1A) substituted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 26\(2\)](#) (with s. 97); [S.I. 2012/1205, art. 4\(k\)\(l\)](#)
- F5** Sch. 8 para. 36(1B) repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 26\(3\)\(a\), Sch. 10 Pt. 4](#) (with s. 97); [S.I. 2012/1205, art. 4\(k\)\(l\)](#)
- F6** 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](#)
- F7** Words in Sch. 8 para. 36(3)(b)(ii) substituted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 57\(1\), 120](#) (with s. 97); [S.I. 2012/1205, art. 4\(a\)](#)
- F8** Words in Sch. 8 para. 36(3AA) repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 26\(3\)\(b\), Sch. 10 Pt. 4](#) (with s. 97); [S.I. 2012/1205, art. 4\(k\)\(l\)](#)
- F9** 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\(8\)](#))

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- F10** Words in Sch. 8 para. 36(4) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(c), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)
- F11** Words in Sch. 8 para. 36(5) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(d), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)
- F12** Sch. 8 para. 36(7) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(e), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

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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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 11(1)(aa) inserted by [2003 c. 44 Sch. 36 para. 14\(2\)](#)
- Sch. 4 para. 11(2A) inserted by [2003 c. 44 Sch. 36 para. 14\(3\)](#)
- Sch. 4 para. 11(1)(aa) words substituted by [2015 c. 2 Sch. 11 para. 17\(2\)](#)
- Sch. 4 para. 11(2A) words substituted by [2015 c. 2 Sch. 11 para. 17\(3\)](#)
- Sch. 8 para. 14(2A) inserted by [2008 c. 28 s. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 14(4)(ba) inserted by [2008 c. 28 s. 16\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 16 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- Sch. 8 para. 15(1)(aa)(ab) inserted by [2010 c. 17 s. 17\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(2A) inserted by [2010 c. 17 s. 17\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 15(4) inserted by [2010 c. 17 s. 17\(8\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14F(3)(b) and word omitted by [2012 c. 10 Sch. 24 para. 22](#) (This amendment not applied to legislation.gov.uk. The substitution of Sch. 8 para. 14F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 14-14I substituted for Sch. 8 para. 14 by [2010 c. 17 s. 17\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20(3)-(3C) substituted for Sch. 8 para. 20(3) by [2010 c. 17 s. 18\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 8 para. 20F(3) words omitted by [2012 c. 10 Sch. 24 para. 23](#) (This amendment not applied to legislation.gov.uk. The insertion of Sch. 8 para. 20F was repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))