

SCHEDULES

SCHEDULE 8

DETENTION

PART I

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

Rights: England, Wales and Northern Ireland

- 9 (1) A direction under this paragraph may provide that a detained person who wishes to exercise the right under paragraph 7 may consult a solicitor only in the sight and hearing of a qualified officer.
- (2) A direction under this paragraph may be given—
- (a) where the person is detained at a police station in England or Wales, by an officer of at least the rank of Commander or Assistant Chief Constable, or
 - (b) where the person is detained at a police station in Northern Ireland, by an officer of at least the rank of Assistant Chief Constable.
- (3) A direction under this paragraph may be given only if the officer giving it has reasonable grounds for believing that, unless the direction is given, the exercise of the right by the detained person will have any of the consequences specified in paragraph 8(4) or the consequence specified in paragraph 8(5)(c).
- (4) In this paragraph “a qualified officer” means a police officer who—
- (a) is of at least the rank of inspector,
 - (b) is of the uniformed branch of the force of which the officer giving the direction is a member, and
 - (c) in the opinion of the officer giving the direction, has no connection with the detained person’s case.
- (5) A direction under this paragraph shall cease to have effect once the reason for giving it ceases to subsist.