

SCHEDULES

SCHEDULE 8

DETENTION

PART II

REVIEW OF DETENTION UNDER SECTION 41

Grounds for continued detention

- 23 (1) A review officer may authorise a person's continued detention only if satisfied that it is necessary—
- (a) to obtain relevant evidence whether by questioning him or otherwise,
 - (b) to preserve relevant evidence,
 - (c) pending a decision whether to apply to the Secretary of State for a deportation notice to be served on the detained person,
 - (d) pending the making of an application to the Secretary of State for a deportation notice to be served on the detained person,
 - (e) pending consideration by the Secretary of State whether to serve a deportation notice on the detained person, or
 - (f) pending a decision whether the detained person should be charged with an offence.
- (2) The review officer shall not authorise continued detention by virtue of sub-paragraph (1)(a) or (b) unless he is satisfied that the investigation in connection with which the person is detained is being conducted diligently and expeditiously.
- (3) The review officer shall not authorise continued detention by virtue of sub-paragraph (1)(c) to (f) unless he is satisfied that the process pending the completion of which detention is necessary is being conducted diligently and expeditiously.
- (4) In sub-paragraph (1)(a) and (b) “relevant evidence” means evidence which—
- (a) relates to the commission by the detained person of an offence under any of the provisions mentioned in section 40(1)(a), or
 - (b) indicates that the detained person falls within section 40(1)(b).
- (5) In sub-paragraph (1) “deportation notice” means notice of a decision to make a deportation order under the Immigration Act 1971.