

SCHEDULES

SCHEDULE 8

DETENTION

PART II

REVIEW OF DETENTION UNDER SECTION 41

Rights

- 27 (1) Where a review officer authorises continued detention he shall inform the detained person—
- (a) of any of his rights under paragraphs 6 and 7 which he has not yet exercised, and
 - (b) if the exercise of any of his rights under either of those paragraphs is being delayed in accordance with the provisions of paragraph 8, of the fact that it is being so delayed.
- (2) Where a review of a person's detention is being carried out at a time when his exercise of a right under either of those paragraphs is being delayed—
- (a) the review officer shall consider whether the reason or reasons for which the delay was authorised continue to subsist, and
 - (b) if in his opinion the reason or reasons have ceased to subsist, he shall inform the officer who authorised the delay of his opinion (unless he was that officer).
- (3) In the application of this paragraph to Scotland, for the references to paragraphs 6, 7 and 8 substitute references to paragraph 16.
- (4) The following provisions (requirement to bring an accused person before the court after his arrest) shall not apply to a person detained under section 41—
- (a) section 135(3) of the Criminal Procedure (Scotland) Act 1995, and
 - (b) Article 8(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998.
- (5) Section 22(1) of the Criminal Procedure (Scotland) Act 1995 (interim liberation by officer in charge of police station) shall not apply to a person detained under section 41.