

*Changes to legislation: Terrorism Act 2000, Cross Heading: Warrants of further detention is up to date with all changes known to be in force on or before 23 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

##### *Warrants of further detention*

- 29 (1) <sup>[F1]</sup>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 to a judicial authority for the issue of a warrant of further detention under this Part.
- (2) A warrant of further detention—
- (a) shall authorise the further detention under section 41 of a specified person for a specified period, and
  - (b) shall state the time at which it is issued.
- (3) <sup>[F2]</sup>Subject to sub-paragraph (3A) and paragraph 36], the specified period in relation to a person shall <sup>[F3]</sup>be] the period of seven days beginning—
- (a) with 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, with the time when his examination under that Schedule began.
- <sup>[F4]</sup>(3A) A judicial authority may issue a warrant of further detention in relation to a person which specifies a shorter period as the period for which that person's further detention is authorised if—

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- (a) the application for the warrant is an application for a warrant specifying a shorter period; or
  - (b) the judicial authority is satisfied that there are circumstances that would make it inappropriate for the specified period to be as long as the period of seven days mentioned in sub-paragraph (3).]
- (4) In this Part “judicial authority” means—
- (a) in England and Wales, <sup>F5</sup> . . . a District Judge (Magistrates’ Courts) who is designated for the purpose of this Part [<sup>F6</sup>by the Lord Chief Justice of England and Wales <sup>F7</sup> . . . ],
  - (b) in Scotland, the sheriff, and
  - (c) in Northern Ireland, a county court judge, or a resident magistrate who is designated for the purpose of this Part [<sup>F8</sup>by the Lord Chief Justice of Northern Ireland <sup>F7</sup> . . . ].
- <sup>F9</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (4)(a).
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (4)(c)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

- F1** Words in Sch. 8 para. 29(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. 29(3) substituted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(3\)\(a\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F3** Words in Sch. 8 para. 29(3) substituted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(3\)\(b\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F4** Sch. 8 para. 29(3A) inserted (25.7.2006) by [Terrorism Act 2006 \(c. 11\), s. 23\(4\)](#) (with (12)); [S.I. 2006/1936, art. 2](#)
- F5** Words in Sch. 8 para. 29(4)(a) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\)\(3\)](#), [Sch. 8 para. 391](#), [Sch. 10](#); [S.I. 2005/910, art. 3\(y\)\(bb\)](#)
- F6** Words in Sch. 8 para. 29(4)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15\(1\)](#), [Sch. 4 para. 290\(2\)\(a\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 paras. 10, 11(x)
- F7** Words in Sch. 8 para. 29(4)(a)(c) repealed (16.2.2009) by [Counter-Terrorism Act 2008 \(c. 28\), ss. 82\(2\), 99, 100\(5\)](#), [Sch. 9 Pt. 6](#) (with s. 101(2)); [S.I. 2009/58, art. 2\(g\)](#)
- F8** Words in Sch. 8 para. 29(4)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15\(1\)](#), [Sch. 4 para. 290\(2\)\(b\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 paras. 10, 11(x)
- F9** Sch. 8 para. 29(5)(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15\(1\)](#), [Sch. 4 para. 290\(2\)\(c\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 paras. 10, 11(x)

**Changes to legislation:**

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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))