



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 2

#### POST-CHARGE QUESTIONING OF TERRORIST SUSPECTS

#### **22 Post-charge questioning: England and Wales**

- (1) The following provisions apply in England and Wales.
- (2) A judge of the Crown Court may authorise the questioning of a person about an offence—
  - (a) after the person has been charged with the offence or been officially informed that they may be prosecuted for it, or
  - (b) after the person has been sent for trial for the offence,if the offence is a terrorism offence or it appears to the judge that the offence has a terrorist connection.
- (3) The judge—
  - (a) must specify the period during which questioning is authorised, and
  - (b) may impose such conditions as appear to be necessary in the interests of justice, which may include conditions as to the place where the questioning is to be carried out.
- (4) The period during which questioning is authorised—
  - (a) begins when questioning pursuant to the authorisation begins and runs continuously from that time (whether or not questioning continues), and
  - (b) must not exceed 48 hours.

This is without prejudice to any application for a further authorisation under this section.

- (5) Where the person is in prison or otherwise lawfully detained, the judge may authorise the person's removal to another place and detention there for the purpose of being questioned.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 22. (See end of Document for details)*

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- (6) A judge must not authorise the questioning of a person under this section unless satisfied—
- (a) that further questioning of the person is necessary in the interests of justice,
  - (b) that the investigation for the purposes of which the further questioning is proposed is being conducted diligently and expeditiously, and
  - (c) that what is authorised will not interfere unduly with the preparation of the person's defence to the charge in question or any other criminal charge.
- (7) Codes of practice under section 66 of the Police and Criminal Evidence Act 1984 (c. 60) must make provision about the questioning of a person by a constable in accordance with this section.
- (8) Nothing in this section prevents codes of practice under that section making other provision for the questioning of a person by a constable about an offence—
- (a) after the person has been charged with the offence or been officially informed that they may be prosecuted for it, or
  - (b) after the person has been sent for trial for the offence.
- (9) In section 34(1) of the Criminal Justice and Public Order Act 1994 (c. 33) (effect of accused's failure to mention facts when questioned or charged: circumstances in which the section applies) after paragraph (b) insert—
- “; or
- (c) at any time after being charged with the offence, on being questioned under section 22 of the Counter-Terrorism Act 2008 (post-charge questioning), failed to mention any such fact,”.
- (10) Nothing in section 36 or 37 of that Act (effect of accused's failure or refusal to account for certain matters) is to be read as excluding the operation of those sections in relation to a request made in the course of questioning under this section.

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**Commencement Information**

**II** S. 22 in force at 10.7.2012 by [S.I. 2012/1724](#), [art. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 22.