

Status: Point in time view as at 01/11/2002.

Changes to legislation: Terrorism Act 2000, Paragraph 33 is up to date with all changes known to be in force on or before 22 June 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)

SCHEDULES

SCHEDULE 8

DETENTION

Modifications etc. (not altering text)

- 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\(7\)\(b\)\(i\)](#))
- 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](#)

PART III

EXTENSION OF DETENTION UNDER SECTION 41

Representation

- 33 (1) The person to whom an application relates shall—
- be given an opportunity to make oral or written representations to the judicial authority about the application, and
 - subject to sub-paragraph (3), be entitled to be legally represented at the hearing.
- (2) A judicial authority shall adjourn the hearing of an application to enable the person to whom the application relates to obtain legal representation where—
- he is not legally represented,
 - he is entitled to be legally represented, and
 - he wishes to be so represented.
- (3) A judicial authority may exclude any of the following persons from any part of the hearing—
- the person to whom the application relates;
 - anyone representing him.
- [^{F1}(4) A judicial authority may, after giving an opportunity for representations to be made by or on behalf of the applicant and the person to whom the application relates, direct—
- that the hearing of the application must be conducted, and
 - that all representations by or on behalf of a person for the purposes of the hearing must be made,

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by such means (whether a live television link or other means) falling within sub-paragraph (5) as may be specified in the direction and not in the presence (apart from by those means) of the applicant, of the person to whom the application relates or of any legal representative of that person.

- (5) A means of conducting the hearing and of making representations falls within this sub-paragraph if it allows the person to whom the application relates and any legal representative of his (without being present at the hearing and to the extent that they are not excluded from it under sub-paragraph (3))—
- (a) to see and hear the judicial authority and the making of representations to it by other persons; and
 - (b) to be seen and heard by the judicial authority.
- (6) If the person to whom the application relates wishes to make representations about whether a direction should be given under sub-paragraph (4), he must do so by using the facilities that will be used if the judicial authority decides to give a direction under that sub-paragraph.
- (7) Sub-paragraph (2) applies to the hearing of representations about whether a direction should be given under sub-paragraph (4) in the case of any application as it applies to a hearing of the application.
- (8) A judicial authority shall not give a direction under sub-paragraph (4) unless—
- (a) it has been notified by the Secretary of State that facilities are available at the place where the person to whom the application relates is held for the judicial authority to conduct a hearing by means falling within sub-paragraph (5); and
 - (b) that notification has not been withdrawn.
- (9) If in a case where it has power to do so a judicial authority decides not to give a direction under sub-paragraph (4), it shall state its reasons for not giving it.]

Textual Amendments

F1 Sch. 8 paras. 33(4)-(9) inserted (E.W.N.I.) (1.8.2001) by 2001 c. 16, s. 75; S.I. 2001/2223, art. 3(d)

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