



Terrorism Act 2000

2000 CHAPTER 11

PART V

COUNTER-TERRORIST POWERS

Suspected terrorists [F1 etc.]

41 Arrest without warrant.

- (1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.
- (2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.
- (3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning—
 - (a) with the time of his arrest under this section, or
 - (b) if he was being detained under [F1 a provision listed in subsection (3A)] when he was arrested under this section, with the time when his [F2 detention under that provision] began.

[F3(3A) Those provisions are—

- (a) section 24 of the Police and Criminal Evidence Act 1984;
- (b) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));
- (c) Schedule 7;
- (d) section 1 of the [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#);
- (e) Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;
- (f) section 27 of the National Security Act 2023.]

Changes to legislation: Terrorism Act 2000, Section 41 is up to date with all changes known to be in force on or before 19 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) View outstanding changes

- (4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.
- (5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.
- (6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.
- (7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.
- (8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.

[^{F4}(8ZA) Subsection (8A) applies where—

- (a) a person is detained under this section in hospital, or
- (b) a person detained under this section is removed to hospital because the person needs medical treatment.]

[^{F5}(8A) [^{F6}Where this subsection applies]—

- (a) any time during which the person is being questioned in hospital or [^{F7}(where this subsection applies by virtue of subsection (8ZA)(b))] on the way there or back for the purpose of obtaining relevant evidence is to be included in calculating any period which falls to be calculated for the purposes of this section or Part 3 of Schedule 8, but
- (b) any other time when the person is in hospital or [^{F8}(where this subsection applies by virtue of subsection (8ZA)(b))] on the way there or back is not to be included.

(8B) In subsection (8A), “relevant evidence” means, in relation to the detained person, evidence which—

- (a) relates to the person's commission of an offence under any of the provisions mentioned in section 40(1)(a), or
- (b) indicates that the person is a person falling within section 40(1)(b).]

(9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

Textual Amendments

- F1** Words in s. 41(3)(b) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(2)(a)** (with s. 97); S.I. 2023/1272, reg. 2(d)
- F2** Words in s. 41(3)(b) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(2)(b)** (with s. 97); S.I. 2023/1272, reg. 2(d)
- F3** S. 41(3A) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(3)** (with s. 97); S.I. 2023/1272, reg. 2(d)
- F4** S. 41(8ZA) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(4)** (with s. 97); S.I. 2023/1272, reg. 2(d)

Changes to legislation: *Terrorism Act 2000, Section 41 is up to date with all changes known to be in force on or before 19 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) View outstanding changes*

- F5** S. 41(8A)(8B) inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), **ss. 18(2), 27(2)(a)**; S.I. 2020/792, reg. 2(c)
- F6** Words in s. 41(8A) substituted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(5)(a)** (with s. 97); S.I. 2023/1272, reg. 2(d)
- F7** Words in s. 41(8A)(a) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(5)(b)** (with s. 97); S.I. 2023/1272, reg. 2(d)
- F8** Words in s. 41(8A)(b) inserted (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 17 para. 1(5)(c)** (with s. 97); S.I. 2023/1272, reg. 2(d)

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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))