

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 31. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 5

REVIEW OF DETENTION UNDER SECTION 27

Grounds for continued detention

- 31 (1) A review officer may authorise a person’s continued detention only if satisfied that it is necessary—
- (a) to obtain relevant evidence, whether by questioning the person or otherwise,
 - (b) to preserve relevant evidence,
 - (c) pending the result of an examination or analysis of any relevant evidence,
 - (d) pending the result of any examination or analysis which is being carried out, or which is to be carried out, with a view to obtaining relevant evidence,
 - (e) pending a decision whether to apply to the Secretary of State for a deportation notice to be served on the person,
 - (f) pending the making of an application to the Secretary of State for a deportation notice to be served on the person,
 - (g) pending consideration by the Secretary of State of whether to serve a deportation notice on the person, or
 - (h) pending a decision as to whether the person should be charged with an offence.
- (2) The review officer may not authorise continued detention by virtue of [sub-paragraph \(1\)\(a\)](#) to (d) unless satisfied that the investigation in connection with which the person is detained is being conducted diligently and expeditiously.
- (3) The review officer may not authorise continued detention by virtue of [sub-paragraph \(1\)\(e\)](#) to (h) unless satisfied that the process pending the completion of which detention is necessary is being conducted diligently and expeditiously.
- (4) In [this paragraph](#) “relevant evidence” means evidence which relates to the detained person’s involvement in foreign power threat activity.
- (5) In [sub-paragraph \(1\)](#) “deportation notice” means notice of a decision to make a deportation order under the Immigration Act 1971.

Commencement Information

- I1** Sch. 6 para. 31 not in force at Royal Assent, see 100(1)
- I2** [Sch. 6 para. 31](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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