



# National Security Act 2023

## 2023 CHAPTER 32

### PART 1

#### ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

##### *Powers of investigation etc*

#### **27 Arrest without warrant**

- (1) A constable may arrest without a warrant anyone who the constable reasonably suspects is, or has been, involved in foreign power threat activity.
- (2) [Schedule 6](#) makes provision about detention under [this section](#).
- (3) Subject to [subsections \(5\) to \(8\)](#), a person detained under [this section](#) must be released (unless detained under any other power) not later than the end of the period of 48 hours beginning with—
  - (a) the time of the person's arrest under [this section](#), or
  - (b) if the person was being detained under a provision listed in [subsection \(4\)](#) when arrested under [this section](#), with the time when the person was detained under that provision.
- (4) 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) section 41 of, and Schedule 7 to, the Terrorism Act 2000;
  - (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.
- (5) A person arrested under [this section](#) must be released if, on a review of the person's detention under [Part 5 of Schedule 6](#), the review officer does not authorise continued detention.

*Status: Point in time view as at 20/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 27. (See end of Document for details)*

This subsection does not apply if the person is detained in accordance with subsection (6) or (7) or under any other power.

- (6) Where a police officer intends to make an application for a warrant under paragraph 37 of Schedule 6 (warrant of further detention) to extend the period of a person's detention, the person may be detained pending the making of the application.
- (7) Where an application has been made—
- (a) under paragraph 37 of Schedule 6 for a warrant to extend the period of a person's detention, or
  - (b) under paragraph 44 of that Schedule to further extend the period of a person's detention,
- the person may be detained pending the conclusion of proceedings on the application.
- (8) Where an application under paragraph 37 or 44 of Schedule 6 is granted in respect of a person's detention, the person may be detained, subject to paragraph 45 of that Schedule (conditions for detention), during the period specified in the warrant.
- (9) The refusal of an application in respect of a person's detention under paragraph 37 or 44 of Schedule 6 does not prevent the person's continued detention in accordance with this section.
- (10) Subsection (11) 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.
- (11) Where this subsection applies—
- (a) any time during which the person is being questioned in hospital or (where this subsection applies by virtue of subsection (10)(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 6 of Schedule 6, but
  - (b) any other time when the person is in hospital or (where this subsection applies by virtue of subsection (10)(b)) on the way there or back is not to be included.
- (12) In subsection (11) “relevant evidence” means, in relation to the detained person, evidence which indicates that the detained person is, or has been, involved in foreign power threat activity.
- (13) 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.
- (14) In this section and Schedule 6 references to involvement in foreign power threat activity do not include involvement in such activity occurring before this section comes into force.

#### Commencement Information

- I1** S. 27 not in force at Royal Assent, see s. 100(1)
- I2** S. 27 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

**Status:**

Point in time view as at 20/12/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Section 27.