
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 8. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 2

RIGHTS OF PERSONS DETAINED UNDER SECTION 27: ENGLAND, WALES AND NORTHERN IRELAND

Right to consult a solicitor

- 8 (1) Where a person exercises the right under [paragraph 7](#) to consult a solicitor, a police officer of at least the rank of superintendent may direct that—
- (a) the person may not consult the solicitor who attends for the purpose of the consultation, or who would so attend but for the giving of the direction, but
 - (b) the person may consult a different solicitor of the person's choosing.
- (2) A direction under [this paragraph](#) may be given before or after a person's consultation with a solicitor has started (and if given after it has started, the right to further consult that solicitor ceases on the giving of the direction).
- (3) An officer may give a direction under [this paragraph](#) only if the officer has reasonable grounds for believing that—
- (a) unless the direction is given, the person's consultation with the solicitor will have any of the consequences specified in [sub-paragraph \(4\)](#), or
 - (b) the person has benefited from their criminal conduct and that, unless the direction is given, the person's consultation with the solicitor will hinder the recovery of the value of the property constituting the benefit.
- (4) Those consequences are—
- (a) interference with or harm to evidence of an indictable offence,
 - (b) interference with or physical injury to any person,
 - (c) the alerting of persons who are suspected of having committed an indictable offence but who have not been arrested for it,
 - (d) the hindering of the recovery of property obtained as a result of an indictable offence,
 - (e) interference with the gathering of information about a person's involvement in foreign power threat activity,
 - (f) making it more difficult, by the alerting of a person, to prevent foreign power threat activity, and
 - (g) making it more difficult, by the alerting of a person, to secure a person's apprehension, prosecution or conviction in connection with the person's involvement in foreign power threat activity.

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- (5) For the purposes of [sub-paragraph \(3\)\(b\)](#), the question whether a person has benefited from their criminal conduct is to be decided in accordance with Part 2 or 4 of the Proceeds of Crime Act 2002.

Commencement Information

- I1** Sch. 6 para. 8 not in force at Royal Assent, see 100(1)
I2 [Sch. 6 para. 8](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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