



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART I

#### INTRODUCTORY

VALID FROM 19/02/2001

#### **1 Terrorism: interpretation.**

- (1) In this Act “terrorism” means the use or threat of action where—
  - (a) the action falls within subsection (2),
  - (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.
- (2) Action falls within this subsection if it—
  - (a) involves serious violence against a person,
  - (b) involves serious damage to property,
  - (c) endangers a person’s life, other than that of the person committing the action,
  - (d) creates a serious risk to the health or safety of the public or a section of the public, or
  - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.
- (4) In this section—
  - (a) “action” includes action outside the United Kingdom,
  - (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

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- (c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and
  - (d) “the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.
- (5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.

## 2 Temporary legislation.

- (1) The following shall cease to have effect—
- (a) the <sup>M1</sup>Prevention of Terrorism (Temporary Provisions) Act 1989, and
  - (b) the <sup>M2</sup>Northern Ireland (Emergency Provisions) Act 1996.
- (2) Schedule 1 (which preserves certain provisions of the 1996 Act, in some cases with amendment, for a transitional period) shall have effect.

### Commencement Information

- II** S. 2 wholly in force at 19.2.2001; s. 2(1)(b)(2) in force at 20.7.2000 see s. 128; s. 2(1)(a) in force at 19.2.2001 by S.I. 2001/421, art. 2

### Marginal Citations

- M1** 1989 c. 4.  
**M2** 1996 c. 22.

VALID FROM 31/10/2000

## PART II

### PROSCRIBED ORGANISATIONS

#### *Procedure*

VALID FROM 19/02/2001

## 3 Proscription.

- (1) For the purposes of this Act an organisation is proscribed if—
- (a) it is listed in Schedule 2, or
  - (b) it operates under the same name as an organisation listed in that Schedule.
- (2) Subsection (1)(b) shall not apply in relation to an organisation listed in Schedule 2 if its entry is the subject of a note in that Schedule.
- (3) The Secretary of State may by order—
- (a) add an organisation to Schedule 2;

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- (b) remove an organisation from that Schedule;
  - (c) amend that Schedule in some other way.
- (4) The Secretary of State may exercise his power under subsection (3)(a) in respect of an organisation only if he believes that it is concerned in terrorism.
- (5) For the purposes of subsection (4) an organisation is concerned in terrorism if it—
- (a) commits or participates in acts of terrorism,
  - (b) prepares for terrorism,
  - (c) promotes or encourages terrorism, or
  - (d) is otherwise concerned in terrorism.

#### **4 Deproscription: application.**

- (1) An application may be made to the Secretary of State for the exercise of his power under section 3(3)(b) to remove an organisation from Schedule 2.
- (2) An application may be made by—
- (a) the organisation, or
  - (b) any person affected by the organisation’s proscription.
- (3) The Secretary of State shall make regulations prescribing the procedure for applications under this section.
- (4) The regulations shall, in particular—
- (a) require the Secretary of State to determine an application within a specified period of time, and
  - (b) require an application to state the grounds on which it is made.

#### **Commencement Information**

**I2** S. 4 wholly in force at 19.2.2001; s. 4 not in force at Royal Assent see s. 128; s. 4(3)(4) in force at 31.10.2000 by S.I. 2000/2944, art. 2(a); s. 4 in force at 19.2.2002 in so far as not already in force by S.I. 2001/421, art. 2

#### **5 Deproscription: appeal.**

- (1) There shall be a commission, to be known as the Proscribed Organisations Appeal Commission.
- (2) Where an application under section 4 has been refused, the applicant may appeal to the Commission.
- (3) The Commission shall allow an appeal against a refusal to deproscribe an organisation if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review.
- (4) Where the Commission allows an appeal under this section by or in respect of an organisation, it may make an order under this subsection.
- (5) Where an order is made under subsection (4) the Secretary of State shall as soon as is reasonably practicable—

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- (a) lay before Parliament, in accordance with section 123(4), the draft of an order under section 3(3)(b) removing the organisation from the list in Schedule 2, or
- (b) make an order removing the organisation from the list in Schedule 2 in pursuance of section 123(5).

(6) Schedule 3 (constitution of the Commission and procedure) shall have effect.

#### Commencement Information

- I3** S. 5 wholly in force at 19.2.2001; s. 5 not in force at Royal Assent see s. 128; s. 5(1) wholly in force and s. 5(6) in force for certain purposes at 31.10.2000 by S.I. 2000/2944, art. 2(b); s. 5 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

VALID FROM 19/02/2001

#### 6 Further appeal.

- (1) A party to an appeal under section 5 which the Proscribed Organisations Appeal Commission has determined may bring a further appeal on a question of law to—
  - (a) the Court of Appeal, if the first appeal was heard in England and Wales,
  - (b) the Court of Session, if the first appeal was heard in Scotland, or
  - (c) the Court of Appeal in Northern Ireland, if the first appeal was heard in Northern Ireland.
- (2) An appeal under subsection (1) may be brought only with the permission—
  - (a) of the Commission, or
  - (b) where the Commission refuses permission, of the court to which the appeal would be brought.
- (3) An order under section 5(4) shall not require the Secretary of State to take any action until the final determination or disposal of an appeal under this section (including any appeal to the House of Lords).

VALID FROM 19/02/2001

#### 7 Appeal: effect on conviction, &c.

- (1) This section applies where—
  - (a) an appeal under section 5 has been allowed in respect of an organisation,
  - (b) an order has been made under section 3(3)(b) in respect of the organisation in accordance with an order of the Commission under section 5(4) (and, if the order was made in reliance on section 123(5), a resolution has been passed by each House of Parliament under section 123(5)(b)),
  - (c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and

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- (d) the activity to which the charge referred took place on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.
- (2) If the person mentioned in subsection (1)(c) was convicted on indictment—
- (a) he may appeal against the conviction to the Court of Appeal, and
  - (b) the Court of Appeal shall allow the appeal.
- (3) A person may appeal against a conviction by virtue of subsection (2) whether or not he has already appealed against the conviction.
- (4) An appeal by virtue of subsection (2)—
- (a) must be brought within the period of 28 days beginning with the date on which the order mentioned in subsection (1)(b) comes into force, and
  - (b) shall be treated as an appeal under section 1 of the <sup>M3</sup>Criminal Appeal Act 1968 (but does not require leave).
- (5) If the person mentioned in subsection (1)(c) was convicted by a magistrates' court—
- (a) he may appeal against the conviction to the Crown Court, and
  - (b) the Crown Court shall allow the appeal.
- (6) A person may appeal against a conviction by virtue of subsection (5)—
- (a) whether or not he pleaded guilty,
  - (b) whether or not he has already appealed against the conviction, and
  - (c) whether or not he has made an application in respect of the conviction under section 111 of the <sup>M4</sup>Magistrates' Courts Act 1980 (case stated).
- (7) An appeal by virtue of subsection (5)—
- (a) must be brought within the period of 21 days beginning with the date on which the order mentioned in subsection (1)(b) comes into force, and
  - (b) shall be treated as an appeal under section 108(1)(b) of the <sup>M5</sup>Magistrates' Courts Act 1980.
- (8) In section 133(5) of the <sup>M6</sup>Criminal Justice Act 1988 (compensation for miscarriage of justice) after paragraph (b) there shall be inserted—
- “or
- (c) on an appeal under section 7 of the Terrorism Act 2000”.

#### Marginal Citations

**M3** 1968 c. 19.

**M4** 1980 c. 43.

**M5** 1980 c. 43.

**M6** 1988 c. 33.

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## 8 Section 7: Scotland and Northern Ireland.

- (1) In the application of section 7 to Scotland—
- (a) for every reference to the Court of Appeal or the Crown Court substitute a reference to the High Court of Justiciary,
  - (b) in subsection (2)(b), at the end insert “ and quash the conviction ”,
  - (c) in subsection (4)—
    - (i) in paragraph (a), for “28 days” substitute “ two weeks ”, and
    - (ii) in paragraph (b), for “section 1 of the Criminal Appeal Act 1968” substitute “ section 106 of the Criminal Procedure (Scotland) Act 1995 ”,
  - (d) in subsection (5)—
    - (i) for “by a magistrates’ court” substitute “ in summary proceedings ”, and
    - (ii) in paragraph (b), at the end insert “ and quash the conviction ”,
  - (e) in subsection (6), paragraph (c) is omitted, and
  - (f) in subsection (7)—
    - (i) in paragraph (a) for “21 days” substitute “ two weeks ”, and
    - (ii) for paragraph (b) substitute—
      - “(b) shall be by note of appeal, which shall state the ground of appeal,
      - (c) shall not require leave under any provision of Part X of the Criminal Procedure (Scotland) Act 1995, and
      - (d) shall be in accordance with such procedure as the High Court of Justiciary may, by Act of Adjournal, determine.”.
- (2) In the application of section 7 to Northern Ireland—
- (a) the reference in subsection (4) to section 1 of the <sup>M7</sup>Criminal Appeal Act 1968 shall be taken as a reference to section 1 of the <sup>M8</sup>Criminal Appeal (Northern Ireland) Act 1980,
  - (b) references in subsection (5) to the Crown Court shall be taken as references to the county court,
  - (c) the reference in subsection (6) to section 111 of the <sup>M9</sup>Magistrates’ Courts Act 1980 shall be taken as a reference to Article 146 of the <sup>M10</sup>Magistrates’ Courts (Northern Ireland) Order 1981, and
  - (d) the reference in subsection (7) to section 108(1)(b) of the <sup>M11</sup>Magistrates’ Courts Act 1980 shall be taken as a reference to Article 140(1)(b) of the <sup>M12</sup>Magistrates’ Courts (Northern Ireland) Order 1981.

### Marginal Citations

- M7** 1968 c. 19.  
**M8** 1980 c. 47.  
**M9** 1980 c. 43.

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**M10** S.I. 1981/1675 (N.I. 26).

**M11** 1980 c. 43.

**M12** S.I. 1981/1675 (N.I. 26).

## 9 Human Rights Act 1998.

- (1) This section applies where rules (within the meaning of section 7 of the <sup>M13</sup>Human Rights Act 1998 (jurisdiction)) provide for proceedings under section 7(1) of that Act to be brought before the Proscribed Organisations Appeal Commission.
- (2) The following provisions of this Act shall apply in relation to proceedings under section 7(1) of that Act as they apply to appeals under section 5 of this Act—
  - (a) section 5(4) and (5),
  - (b) section 6,
  - (c) section 7, and
  - (d) paragraphs 4 to 8 of Schedule 3.
- (3) The Commission shall decide proceedings in accordance with the principles applicable on an application for judicial review.
- (4) In the application of the provisions mentioned in subsection (2)—
  - (a) a reference to the Commission allowing an appeal shall be taken as a reference to the Commission determining that an action of the Secretary of State is incompatible with a Convention right, and
  - (b) a reference to the refusal to deproscribe against which an appeal was brought shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right.

### Marginal Citations

**M13** 1998 c. 42.

VALID FROM 19/02/2001

## 10 Immunity.

- (1) The following shall not be admissible as evidence in proceedings for an offence under any of sections 11 to 13, 15 to 19 and 56—
  - (a) evidence of anything done in relation to an application to the Secretary of State under section 4,
  - (b) evidence of anything done in relation to proceedings before the Proscribed Organisations Appeal Commission under section 5 above or section 7(1) of the <sup>M14</sup>Human Rights Act 1998,
  - (c) evidence of anything done in relation to proceedings under section 6 (including that section as applied by section 9(2)), and
  - (d) any document submitted for the purposes of proceedings mentioned in any of paragraphs (a) to (c).

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(2) But subsection (1) does not prevent evidence from being adduced on behalf of the accused.

#### Marginal Citations

**M14** 1998 c. 42.

VALID FROM 19/02/2001

### Offences

#### 11 Membership.

- (1) A person commits an offence if he belongs or professes to belong to a proscribed organisation.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove—
- (a) that the organisation was not proscribed on the last (or only) occasion on which he became a member or began to profess to be a member, and
  - (b) that he has not taken part in the activities of the organisation at any time while it was proscribed.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (4) In subsection (2) “proscribed” means proscribed for the purposes of any of the following—
- (a) this Act;
  - (b) the <sup>M15</sup>Northern Ireland (Emergency Provisions) Act 1996;
  - (c) the <sup>M16</sup>Northern Ireland (Emergency Provisions) Act 1991;
  - (d) the <sup>M17</sup>Prevention of Terrorism (Temporary Provisions) Act 1989;
  - (e) the <sup>M18</sup>Prevention of Terrorism (Temporary Provisions) Act 1984;
  - (f) the <sup>M19</sup>Northern Ireland (Emergency Provisions) Act 1978;
  - (g) the <sup>M20</sup>Prevention of Terrorism (Temporary Provisions) Act 1976;
  - (h) the <sup>M21</sup>Prevention of Terrorism (Temporary Provisions) Act 1974;
  - (i) the <sup>M22</sup>Northern Ireland (Emergency Provisions) Act 1973.

#### Marginal Citations

**M15** 1996 c. 22.  
**M16** 1991 c. 24.  
**M17** 1989 c. 4.  
**M18** 1984 c. 8.  
**M19** 1978 c. 5.  
**M20** 1976 c. 8.



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**M21** 1974 c. 56.

**M22** 1973 c. 53.

## **12 Support.**

- (1) A person commits an offence if—
  - (a) he invites support for a proscribed organisation, and
  - (b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).
- (2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is—
  - (a) to support a proscribed organisation,
  - (b) to further the activities of a proscribed organisation, or
  - (c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.
- (3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.
- (4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.
- (5) In subsections (2) to (4)—
  - (a) “meeting” means a meeting of three or more persons, whether or not the public are admitted, and
  - (b) a meeting is private if the public are not admitted.
- (6) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

## **13 Uniform.**

- (1) A person in a public place commits an offence if he—
  - (a) wears an item of clothing, or
  - (b) wears, carries or displays an article,in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.
- (2) A constable in Scotland may arrest a person without a warrant if he has reasonable grounds to suspect that the person is guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or

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(c) both.

VALID FROM 31/10/2000

### PART III

#### TERRORIST PROPERTY

VALID FROM 19/02/2001

#### *Interpretation*

#### **14 Terrorist property.**

- (1) In this Act “terrorist property” means—
- (a) money or other property which is likely to be used for the purposes of terrorism (including any resources of a proscribed organisation),
  - (b) proceeds of the commission of acts of terrorism, and
  - (c) proceeds of acts carried out for the purposes of terrorism.
- (2) In subsection (1)—
- (a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and
  - (b) the reference to an organisation’s resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organisation.

VALID FROM 19/02/2001

#### *Offences*

#### **15 Fund-raising.**

- (1) A person commits an offence if he—
- (a) invites another to provide money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.
- (2) A person commits an offence if he—
- (a) receives money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

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- (3) A person commits an offence if he—
- (a) provides money or other property, and
  - (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.
- (4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

**Modifications etc. (not altering text)**

C1 S. 15 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

**16 Use and possession.**

- (1) A person commits an offence if he uses money or other property for the purposes of terrorism.
- (2) A person commits an offence if he—
- (a) possesses money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

**Modifications etc. (not altering text)**

C2 S. 16 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

**17 Funding arrangements.**

- A person commits an offence if—
- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
  - (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

**Modifications etc. (not altering text)**

C3 S. 17 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

**18 Money laundering.**

- (1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property—
- (a) by concealment,
  - (b) by removal from the jurisdiction,
  - (c) by transfer to nominees, or

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(d) in any other way.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

**Modifications etc. (not altering text)**

C4 S. 18 applied (19.2.2001) by S.I. 2001/192, reg. 3

**19 Disclosure of information: duty.**

(1) This section applies where a person—

- (a) believes or suspects that another person has committed an offence under any of sections 15 to 18, and
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment.

(2) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable—

- (a) his belief or suspicion, and
- (b) the information on which it is based.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.

(4) Where—

- (a) a person is in employment,
- (b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and
- (c) he is charged with an offence under that subsection,

it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.

(5) Subsection (2) does not require disclosure by a professional legal adviser of—

- (a) information which he obtains in privileged circumstances, or
- (b) a belief or suspicion based on information which he obtains in privileged circumstances.

(6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose—

- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
- (b) from a person seeking legal advice from the adviser, or from the person's representative, or
- (c) from any person, for the purpose of actual or contemplated legal proceedings.

(7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 15 to 18 if—

- (a) he has taken an action or been in possession of a thing, and

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- (b) he would have committed an offence under one of those sections if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.
- (8) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.

**Modifications etc. (not altering text)**

- C5 S. 19 applied (19.2.2001) by S.I. 2001/192, reg. 3  
S. 19 restricted (19.2.2001) by S.I. 2001/192, reg. 4

**20 Disclosure of information: permission.**

- (1) A person may disclose to a constable—
- (a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;
  - (b) any matter on which the suspicion or belief is based.
- (2) A person may make a disclosure to a constable in the circumstances mentioned in section 19(1) and (2).
- (3) Subsections (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.
- (4) Where—
- (a) a person is in employment, and
  - (b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1) and section 19(2),
- subsections (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

**Modifications etc. (not altering text)**

- C6 S. 20 applied (19.2.2001) by S.I. 2001/192, reg. 3

**21 Cooperation with police.**

- (1) A person does not commit an offence under any of sections 15 to 18 if he is acting with the express consent of a constable.
- (2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable—
- (a) his suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which his suspicion or belief is based.

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- (3) Subsection (2) applies only where a person makes a disclosure—
- (a) after he becomes concerned in the transaction concerned,
  - (b) on his own initiative, and
  - (c) as soon as is reasonably practicable.
- (4) Subsection (2) does not apply to a person if—
- (a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) he continues his involvement.
- (5) It is a defence for a person charged with an offence under any of sections 15(2) and (3) and 16 to 18 to prove that—
- (a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and
  - (b) there is reasonable excuse for his failure to do so.
- (6) Where—
- (a) a person is in employment, and
  - (b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under subsection (2),
- this section shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.
- (7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

**Modifications etc. (not altering text)**

**C7** S. 21 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

**C8** S. 21(3) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4), 100(5)** (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

VALID FROM 26/12/2007

**[F1] 21ZA Arrangements with prior consent**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, before becoming involved, the person—
- (a) discloses to an authorised officer the person's suspicion or belief that the money or other property is terrorist property and the information on which the suspicion or belief is based, and
  - (b) has the authorised officer's consent to becoming involved in the transaction or arrangement.
- (2) A person is treated as having an authorised officer's consent if before the end of the notice period the person does not receive notice from an authorised officer that consent is refused.

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- (3) The notice period is the period of 7 working days starting with the first working day after the person makes the disclosure.
- (4) A working day is a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 (c.80) in the part of the United Kingdom in which the person is when making the disclosure.
- (5) In this section “authorised officer” means a member of the staff of the Serious Organised Crime Agency authorised for the purposes of this section by the Director General of that Agency.
- (6) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

#### Textual Amendments

- F1** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 2](#)

VALID FROM 26/12/2007

#### **21ZB Disclosure after entering into arrangements**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, after becoming involved, the person discloses to an authorised officer—
  - (a) the person's suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which the suspicion or belief is based.
- (2) This section applies only where—
  - (a) there is a reasonable excuse for the person's failure to make the disclosure before becoming involved in the transaction or arrangement, and
  - (b) the disclosure is made on the person's own initiative and as soon as it is reasonably practicable for the person to make it.
- (3) This section does not apply to a person if—
  - (a) an authorised officer forbids the person to continue involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) the person continues that involvement.
- (4) In this section “authorised officer” means a member of the staff of the Serious Organised Crime Agency authorised for the purposes of this section by the Director General of that Agency.
- (5) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

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#### Textual Amendments

- F1** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 2](#)

VALID FROM 26/12/2007

#### **21ZC Reasonable excuse for failure to disclose**

It is a defence for a person charged with an offence under any of sections 15 to 18 to prove that—

- (a) the person intended to make a disclosure of the kind mentioned in section 21ZA or 21ZB, and
- (b) there is a reasonable excuse for the person's failure to do so.]

#### Textual Amendments

- F1** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 2](#)

VALID FROM 20/12/2001

#### **[<sup>F2</sup>21A Failure to disclose: regulated sector**

- (1) A person commits an offence if each of the following three conditions is satisfied.
- (2) The first condition is that he—
  - (a) knows or suspects, or
  - (b) has reasonable grounds for knowing or suspecting,
 that another person has committed an offence under any of sections 15 to 18.
- (3) The second condition is that the information or other matter—
  - (a) on which his knowledge or suspicion is based, or
  - (b) which gives reasonable grounds for such knowledge or suspicion,
 came to him in the course of a business in the regulated sector.
- (4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.
- (5) But a person does not commit an offence under this section if—
  - (a) he has a reasonable excuse for not disclosing the information or other matter;
  - (b) he is a professional legal adviser and the information or other matter came to him in privileged circumstances.
- (6) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—



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- (a) issued by a supervisory authority or any other appropriate body,
  - (b) approved by the Treasury, and
  - (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.
- (7) A disclosure to a nominated officer is a disclosure which—
- (a) is made to a person nominated by the alleged offender’s employer to receive disclosures under this section, and
  - (b) is made in the course of the alleged offender’s employment and in accordance with the procedure established by the employer for the purpose.
- (8) Information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to him—
- (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
  - (b) by (or by a representative of) a person seeking legal advice from the adviser, or
  - (c) by a person in connection with legal proceedings or contemplated legal proceedings.
- (9) But subsection (8) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.
- (10) Schedule 3A has effect for the purpose of determining what is—
- (a) a business in the regulated sector;
  - (b) a supervisory authority.
- (11) For the purposes of subsection (2) a person is to be taken to have committed an offence there mentioned if—
- (a) he has taken an action or been in possession of a thing, and
  - (b) he would have committed the offence if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.
- (12) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (13) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.
- (14) The reference to a constable includes a reference to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.]

#### Textual Amendments

- F2** S. 21A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**

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VALID FROM 20/12/2001

### [<sup>F3</sup>21B Protected disclosures

- (1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of a business in the regulated sector.
- (3) The second condition is that the information or other matter—
  - (a) causes the discloser to know or suspect, or
  - (b) gives him reasonable grounds for knowing or suspecting,
 that another person has committed an offence under any of sections 15 to 18.
- (4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.
- (5) A disclosure to a nominated officer is a disclosure which—
  - (a) is made to a person nominated by the discloser’s employer to receive disclosures under this section, and
  - (b) is made in the course of the discloser’s employment and in accordance with the procedure established by the employer for the purpose.
- (6) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.
- (7) The reference to a constable includes a reference to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.]

#### Textual Amendments

**F3** S. 21B inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**

VALID FROM 26/12/2007

### [<sup>F4</sup>21C Disclosures to SOCA

- (1) Where a disclosure is made under a provision of this Part to a constable, the constable must disclose it in full as soon as practicable after it has been made to a member of staff of the Serious Organised Crime Agency authorised for the purposes of that provision by the Director General of that Agency.
- (2) Where a disclosure is made under section 21 (cooperation with police) to a constable, the constable must disclose it in full as soon as practicable after it has been made to a member of staff of the Serious Organised Crime Agency

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authorised for the purposes of this subsection by the Director General of that Agency.

#### Textual Amendments

**F4** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)

VALID FROM 26/12/2007

### 21D Tipping off: regulated sector

- (1) A person commits an offence if—
  - (a) the person discloses any matter within subsection (2);
  - (b) the disclosure is likely to prejudice any investigation that might be conducted following the disclosure referred to in that subsection; and
  - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (2) The matters are that the person or another person has made a disclosure under a provision of this Part—
  - (a) to a constable,
  - (b) in accordance with a procedure established by that person's employer for the making of disclosures under that provision,
  - (c) to a nominated officer, or
  - (d) to a member of staff of the Serious Organised Crime Agency authorised for the purposes of that provision by the Director General of that Agency,of information that came to that person in the course of a business in the regulated sector.
- (3) A person commits an offence if—
  - (a) the person discloses that an investigation into allegations that an offence under this Part has been committed is being contemplated or is being carried out;
  - (b) the disclosure is likely to prejudice that investigation; and
  - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (5) This section is subject to—
  - (a) section 21E (disclosures within an undertaking or group etc),
  - (b) section 21F (other permitted disclosures between institutions etc), and
  - (c) section 21G (other permitted disclosures etc).

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#### Textual Amendments

- F4** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)

VALID FROM 26/12/2007

#### 21E Disclosures within an undertaking or group etc

- (1) An employee, officer or partner of an undertaking does not commit an offence under section 21D if the disclosure is to an employee, officer or partner of the same undertaking.
- (2) A person does not commit an offence under section 21D in respect of a disclosure by a credit institution or a financial institution if—
  - (a) the disclosure is to a credit institution or a financial institution,
  - (b) the institution to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements, and
  - (c) both the institution making the disclosure and the institution to whom it is made belong to the same group.
- (3) In subsection (2) “group” has the same meaning as in Directive [2002/87/EC](#) of the European Parliament and of the Council of 16<sup>th</sup> December 2002 <sup>F5</sup> on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.
- (4) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if—
  - (a) the disclosure is to a professional legal adviser or a relevant professional adviser,
  - (b) both the person making the disclosure and the person to whom it is made carry on business in an EEA state or in a country or territory imposing equivalent money laundering requirements, and
  - (c) those persons perform their professional activities within different undertakings that share common ownership, management or control.

#### Textual Amendments

- F4** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)

- F5** OJ L 35, 11.2.2003, p.1.

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VALID FROM 26/12/2007

## 21F Other permitted disclosures between institutions etc

- (1) This section applies to a disclosure—
- (a) by a credit institution to another credit institution,
  - (b) by a financial institution to another financial institution,
  - (c) by a professional legal adviser to another professional legal adviser, or
  - (d) by a relevant professional adviser of a particular kind to another relevant professional adviser of the same kind.
- (2) A person does not commit an offence under section 21D in respect of a disclosure to which this section applies if—
- (a) the disclosure relates to—
    - (i) a client or former client of the institution or adviser making the disclosure and the institution or adviser to whom it is made,
    - (ii) a transaction involving them both, or
    - (iii) the provision of a service involving them both;
  - (b) the disclosure is for the purpose only of preventing an offence under this Part of this Act;
  - (c) the institution or adviser to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements; and
  - (d) the institution or adviser making the disclosure and the institution or adviser to whom it is made are subject to equivalent duties of professional confidentiality and the protection of personal data (within the meaning of section 1 of the Data Protection Act 1998 <sup>F6</sup>).

### Textual Amendments

- F4** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F6** 1998 c.29.

VALID FROM 26/12/2007

## 21G Other permitted disclosures etc

- (1) A person does not commit an offence under section 21D if the disclosure is—
- (a) to the authority that is the supervisory authority for that person by virtue of the Money Laundering Regulations 2007 (S.I. 2007/2157); or
  - (b) for the purpose of—
    - (i) the detection, investigation or prosecution of a criminal offence (whether in the United Kingdom or elsewhere),
    - (ii) an investigation under the Proceeds of Crime Act 2002 <sup>F7</sup>, or
    - (iii) the enforcement of any order of a court under that Act.

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- (2) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if the disclosure—
  - (a) is to the adviser's client, and
  - (b) is made for the purpose of dissuading the client from engaging in conduct amounting to an offence.
- (3) A person does not commit an offence under section 21D(1) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(1)(b).
- (4) A person does not commit an offence under section 21D(3) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(3)(b).

#### Textual Amendments

- F4** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F7** 2002 c.29.

VALID FROM 26/12/2007

#### 21H Interpretation of sections 21D to 21G

- (1) The references in sections 21D to 21G—
  - (a) to a business in the regulated sector, and
  - (b) to a supervisory authority,
 are to be construed in accordance with Schedule 3A.
- (2) In those sections—
  - “credit institution” has the same meaning as in Schedule 3A;
  - “financial institution” means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule.
- (3) References in those sections to a disclosure by or to a credit institution or a financial institution include disclosure by or to an employee, officer or partner of the institution acting on its behalf.
- (4) For the purposes of those sections a country or territory imposes “equivalent money laundering requirements” if it imposes requirements equivalent to those laid down in Directive [2005/60/EC](#) of the European Parliament and of the Council of 26<sup>th</sup> October 2005 <sup>F8</sup> on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.
- (5) In those sections “relevant professional adviser” means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—

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- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
- (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]

#### Textual Amendments

- F4 Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F8 OJ L 309, 25.11.2005, p.15.

## 22 Penalties.

A person guilty of an offence under any of sections 15 to 18 shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

#### Modifications etc. (not altering text)

- C9 S. 22 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

VALID FROM 16/02/2009

### [<sup>F9</sup>22A Meaning of “employment”

In sections 19 to 21B—

- (a) “employment” means any employment (whether paid or unpaid) and includes—
  - (i) work under a contract for services or as an office-holder,
  - (ii) work experience provided pursuant to a training course or programme or in the course of training for employment, and
  - (iii) voluntary work;
- (b) “employer” has a corresponding meaning.]

#### Textual Amendments

- F9 S. 22A inserted (16.2.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), [ss. 77\(3\)\(4\), 100\(5\)](#) (with [s. 101\(2\)](#)); [S.I. 2009/58](#), [art. 2\(e\)](#)



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## <sup>X1F10</sup> 23 Forfeiture.

- (1) The court by or before which a person is convicted of an offence under any of sections 15 to 18 may make a forfeiture order in accordance with the provisions of this section.
- (2) Where a person is convicted of an offence under section 15(1) or (2) or 16 the court may order the forfeiture of any money or other property—
  - (a) which, at the time of the offence, he had in his possession or under his control, and
  - (b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.
- (3) Where a person is convicted of an offence under section 15(3) the court may order the forfeiture of any money or other property—
  - (a) which, at the time of the offence, he had in his possession or under his control, and
  - (b) which, at that time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.
- (4) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property—
  - (a) to which the arrangement in question related, and
  - (b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.
- (5) Where a person is convicted of an offence under section 18 the court may order the forfeiture of the money or other property to which the arrangement in question related.
- (6) Where a person is convicted of an offence under any of sections 15 to 18, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.
- (7) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.
- (8) A court in Scotland shall not make an order under this section except on the application of the prosecutor—
  - (a) in proceedings on indictment, when he moves for sentence, and
  - (b) in summary proceedings, before the court convicts the accused,
 and for the purposes of any appeal or review, an order under this section made by a court in Scotland is a sentence.
- (9) Schedule 4 (which makes further provision in relation to forfeiture orders under this section) shall have effect.

### Editorial Information

- X1** The insertion of the new heading "Forfeiture" in Pt. III on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.



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#### Textual Amendments

**F10** S. 23 and cross-heading substituted (18.6.2009) for s. 23 by Counter-Terrorism Act 2008 (c. 28), ss. 34, 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

#### Modifications etc. (not altering text)

**C10** S. 23 applied (19.2.2001) by S.I. 2001/192, reg. 3

VALID FROM 18/06/2009

### *[<sup>F11</sup>Forfeiture*

#### Textual Amendments

**F11** S. 23 and preceding cross-heading substituted (18.6.2009) for s. 23 by Counter-Terrorism Act 2008 (c. 28), ss. 34, 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

### *[<sup>F12</sup>23A* **Forfeiture: other terrorism offences and offences with a terrorist connection**

- (1) The court by or before which a person is convicted of an offence to which this section applies may order the forfeiture of any money or other property in relation to which the following conditions are met—
  - (a) that it was, at the time of the offence, in the possession or control of the person convicted; and
  - (b) that—
    - (i) it had been used for the purposes of terrorism,
    - (ii) it was intended by that person that it should be used for the purposes of terrorism, or
    - (iii) the court believes that it will be used for the purposes of terrorism unless forfeited.
- (2) This section applies to an offence under—
  - (a) any of the following provisions of this Act—
    - section 54 (weapons training);
    - section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);
    - section 59, 60 or 61 (inciting terrorism outside the United Kingdom);
  - (b) any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)
    - section 2 (dissemination of terrorist publications);
    - section 5 (preparation of terrorist acts);
    - section 6 (training for terrorism);
    - sections 9 to 11 (offences involving radioactive devices or materials).
- (3) This section applies to any ancillary offence (as defined in section 94 of the Counter-Terrorism Act 2008) in relation to an offence listed in subsection (2).

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- (4) This section also applies to an offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered) as to which—
- (a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of that Act, that the offence has a terrorist connection;
  - (b) in Scotland, it has been proved, in accordance with section 31 of that Act, that the offence has a terrorist connection.
- (5) The Secretary of State may by order amend subsection (2).
- (6) An order adding an offence to subsection (2) applies only in relation to offences committed after the order comes into force.]

#### Textual Amendments

**F12** S. 23A inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 35(1), 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

#### **F13** **23B** Forfeiture: supplementary provisions

- (1) Before making an order under section 23 or 23A, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under that section.
- (2) In considering whether to make an order under section 23 or 23A in respect of any property, a court shall have regard to—
- (a) the value of the property, and
  - (b) the likely financial and other effects on the convicted person of the making of the order (taken together with any other order that the court contemplates making).
- (3) A court in Scotland must not make an order under section 23 or 23A except on the application of the prosecutor—
- (a) in proceedings on indictment, when the prosecutor moves for sentence, and
  - (b) in summary proceedings, before the court sentences the accused;
- and for the purposes of any appeal or review, an order under either of those sections made by a court in Scotland is a sentence.
- (4) Schedule 4 makes further provision in relation to forfeiture orders under section 23 or 23A.]]

#### Textual Amendments

**F13** S. 23B inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 36, 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

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## Seizure of terrorist cash

### 24 Interpretation.

- (1) In sections 25 to 31 “authorised officer” means any of the following—
  - (a) a constable,
  - (b) a customs officer, and
  - (c) an immigration officer.
- (2) In sections 25 to 31 “cash” means—
  - (a) coins and notes in any currency,
  - (b) postal orders,
  - (c) travellers’ cheques,
  - (d) bankers’ drafts, and
  - (e) such other kinds of monetary instrument as the Secretary of State may specify by order.

#### Commencement Information

- I4** S. 24 wholly in force at 19.2.2001; s. 24 not in force at Royal Assent see s. 128; s. 24(2)(e) in force at 31.10.2000 by S.I. 2000/2944, art. 2(c); s. 24 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

VALID FROM 19/02/2001

### 25 Seizure and detention.

- (1) An authorised officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that—
  - (a) it is intended to be used for the purposes of terrorism,
  - (b) it forms the whole or part of the resources of a proscribed organisation, or
  - (c) it is terrorist property within the meaning given in section 14(1)(b) or (c).
- (2) In subsection (1)(b) the reference to an organisation’s resources includes a reference to any cash which is applied or made available, or is to be applied or made available, for use by the organisation.
- (3) This section applies to cash which—
  - (a) is being imported into or exported from the United Kingdom,
  - (b) is being brought to any place in the United Kingdom for the purpose of being exported from the United Kingdom,
  - (c) is being brought to Northern Ireland from Great Britain, or to Great Britain from Northern Ireland,
  - (d) is being brought to any place in Northern Ireland for the purpose of being brought to Great Britain, or
  - (e) is being brought to any place in Great Britain for the purpose of being brought to Northern Ireland.

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- (4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 48 hours beginning with the time when it is seized.
- (5) Where an order is made under section 26 in relation to cash seized, it may be detained during the period specified in the order.

VALID FROM 19/02/2001

## 26 Continued detention.

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court for an order under this section in relation to cash seized under section 25.
- (2) An order under this section—
  - (a) shall authorise the further detention under section 25 of the cash to which it relates for a period specified in the order,
  - (b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and
  - (c) shall require notice to be given to the person from whom the cash was seized and to any other person who is affected by and specified in the order.
- (3) An application for an order under this section may be granted only if the court is satisfied—
  - (a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c), and
  - (b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in the United Kingdom or elsewhere) which relate to the cash.
- (4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.
- (5) In Scotland, any application under this section shall be made by the procurator fiscal to the sheriff; and in this section a reference to a magistrates' court shall be taken as a reference to the sheriff.

VALID FROM 19/02/2001

## 27 Detained cash.

- (1) Cash detained under section 25 by virtue of an order under section 26 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.
- (2) Any person may apply to a magistrates' court, or in Scotland to the sheriff, for a direction that cash detained under section 25 be released.

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- (3) A magistrates' court or the sheriff shall grant an application under subsection (2) if satisfied—
  - (a) that section 26(3)(a) or (b) no longer applies, or
  - (b) that the detention of the cash is for any other reason no longer justified.
- (4) An authorised officer, or in Scotland the procurator fiscal, may release cash detained under section 25 if—
  - (a) he is satisfied that its detention is no longer justified, and
  - (b) he has notified the magistrates' court or sheriff who made the order by virtue of which the cash is being detained under section 25.
- (5) Cash detained under section 25 shall not be released under this section—
  - (a) while proceedings on an application for its forfeiture under section 28 have not been concluded, or
  - (b) while proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded.

VALID FROM 19/02/2001

## 28 Forfeiture.

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court, or in Scotland the procurator fiscal may apply to the sheriff, for an order forfeiting cash being detained under section 25.
- (2) A magistrates' court or the sheriff may grant an application only if satisfied on the balance of probabilities that the cash is cash of a kind mentioned in section 25(1) (a), (b) or (c).
- (3) Before making an order under this section, a magistrates' court or the sheriff must give an opportunity to be heard to any person—
  - (a) who is not a party to the proceedings, and
  - (b) who claims to be the owner of or otherwise interested in any of the cash which can be forfeited under this section.
- (4) An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash is connected.
- (5) Proceedings on an application under this section to the sheriff shall be civil proceedings.

VALID FROM 19/02/2001

## 29 Forfeiture: appeal.

- (1) Subject to subsection (2), any party to proceedings in which a forfeiture order is made under section 28 may appeal—
  - (a) where the order is made by a magistrates' court in England and Wales, to the Crown Court,

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- (b) where the order is made by the sheriff in Scotland, to the Court of Session, or
  - (c) where the order is made by a magistrates' court in Northern Ireland, to the county court.
- (2) An appeal under subsection (1)—
- (a) must be brought before the end of the period of 30 days beginning with the date on which the forfeiture order was made, and
  - (b) may not be brought by the applicant for the forfeiture order.
- (3) On an application by the appellant, a magistrates' court or the sheriff may order the release of so much of the cash to which the forfeiture order applies as it considers appropriate to enable him to meet his reasonable legal expenses in connection with the appeal.
- (4) An appeal under subsection (1) shall be by way of a rehearing.
- (5) If the court allows the appeal, it may order the release of—
- (a) the cash to which the forfeiture order applies together with any interest which has accrued, or
  - (b) where an order has been made under subsection (3), the remaining cash to which the forfeiture order applies together with any interest which has accrued.
- (6) Subsection (7) applies where a successful application for a forfeiture order relies (in whole or in part) on the fact that an organisation is proscribed, and—
- (a) a deproscription appeal under section 5 is allowed in respect of the organisation,
  - (b) an order is made under section 3(3)(b) in respect of the organisation in accordance with an order of the Proscribed Organisations Appeal Commission under section 5(4) (and, if the order is made in reliance on section 123(5), a resolution is passed by each House of Parliament under section 123(5)(b)), and
  - (c) the forfeited cash was seized under section 25 on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.
- (7) Where this subsection applies an appeal under subsection (1) may be brought at any time before the end of the period of 30 days beginning with the date on which the order under section 3(3)(b) comes into force.

VALID FROM 19/02/2001

### **30 Treatment of forfeited cash.**

Any cash to which a forfeiture order under section 28 applies or accrued interest thereon shall be paid into the Consolidated Fund—

- (a) after the end of the period within which an appeal may be brought under section 29(1), or
- (b) where an appeal is brought under section 29(1), after the appeal is determined or otherwise disposed of.

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### **31 Rules of court.**

Provision may be made by rules of court about the procedure on applications or appeals to any court under sections 26 to 29, and in particular as to—

- (a) the giving of notice to persons affected by an application or appeal under those provisions;
- (b) the joinder, or in Scotland the sisting, of those persons as parties to the proceedings.

VALID FROM 19/02/2001

## **PART IV**

### **TERRORIST INVESTIGATIONS**

#### *Interpretation*

### **32 Terrorist investigation.**

In this Act “terrorist investigation” means an investigation of—

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) an act which appears to have been done for the purposes of terrorism,
- (c) the resources of a proscribed organisation,
- (d) the possibility of making an order under section 3(3), or
- (e) the commission, preparation or instigation of an offence under this Act.

#### *Cordons*

### **33 Cordoned areas.**

- (1) An area is a cordoned area for the purposes of this Act if it is designated under this section.
- (2) A designation may be made only if the person making it considers it expedient for the purposes of a terrorist investigation.
- (3) If a designation is made orally, the person making it shall confirm it in writing as soon as is reasonably practicable.
- (4) The person making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable—
  - (a) by means of tape marked with the word “police”, or
  - (b) in such other manner as a constable considers appropriate.

### **34 Power to designate.**

- (1) Subject to subsection (2), a designation under section 33 may only be made—



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- (a) where the area is outside Northern Ireland and is wholly or partly within a police area, by an officer for the police area who is of at least the rank of superintendent, and
  - (b) where the area is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of superintendent.
- (2) A constable who is not of the rank required by subsection (1) may make a designation if he considers it necessary by reason of urgency.
- (3) Where a constable makes a designation in reliance on subsection (2) he shall as soon as is reasonably practicable—
- (a) make a written record of the time at which the designation was made, and
  - (b) ensure that a police officer of at least the rank of superintendent is informed.
- (4) An officer who is informed of a designation in accordance with subsection (3)(b)—
- (a) shall confirm the designation or cancel it with effect from such time as he may direct, and
  - (b) shall, if he cancels the designation, make a written record of the cancellation and the reason for it.

### 35 Duration.

- (1) A designation under section 33 has effect, subject to subsections (2) to (5), during the period—
- (a) beginning at the time when it is made, and
  - (b) ending with a date or at a time specified in the designation.
- (2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 14 days beginning with the day on which the designation is made.
- (3) The period during which a designation has effect may be extended in writing from time to time by—
- (a) the person who made it, or
  - (b) a person who could have made it (otherwise than by virtue of section 34(2)).
- (4) An extension shall specify the additional period during which the designation is to have effect.
- (5) A designation shall not have effect after the end of the period of 28 days beginning with the day on which it is made.

### 36 Police powers.

- (1) A constable in uniform may—
- (a) order a person in a cordoned area to leave it immediately;
  - (b) order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;
  - (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
  - (d) arrange for the removal of a vehicle from a cordoned area;
  - (e) arrange for the movement of a vehicle within a cordoned area;
  - (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles.



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- (2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).
- (3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for his failure.
- (4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding three months,
  - (b) a fine not exceeding level 4 on the standard scale, or
  - (c) both.

**Modifications etc. (not altering text)**

- C11** S. 36 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. I para. 14**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C12** S. 36 extended (N.I.) (21.4.2007) by 2003 c. 6, **Sch. 2A para. 15** (as inserted by **The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007** (S.I. 2007/912 (N.I. 6)), arts. 1(2)(3), 7, **Sch. 5**)

*Information and evidence*

**37 Powers.**

Schedule 5 (power to obtain information, &c.) shall have effect.

**38 Financial information.**

Schedule 6 (financial information) shall have effect.

VALID FROM 20/12/2001

**[<sup>F14</sup>38A Account monitoring orders**

Schedule 6A (account monitoring orders) shall have effect.]

**Textual Amendments**

- F14** S. 38A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 1 para. 1(2)**; S.I. 2001/4019, **art. 2(1)(c)**

VALID FROM 14/12/2001

**[<sup>F15</sup>38B Information about acts of terrorism**

- (1) This section applies where a person has information which he knows or believes might be of material assistance—

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- (a) in preventing the commission by another person of an act of terrorism, or
  - (b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.
- (2) The person commits an offence if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3).
- (3) Disclosure is in accordance with this subsection if it is made—
- (a) in England and Wales, to a constable,
  - (b) in Scotland, to a constable, or
  - (c) in Northern Ireland, to a constable or a member of Her Majesty’s forces.
- (4) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.
- (6) Proceedings for an offence under this section may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place where the person to be charged is or has at any time been since he first knew or believed that the information might be of material assistance as mentioned in subsection (1).]

#### Textual Amendments

**F15** S. 38B inserted (14.12.2001) by [2001 c. 24, s. 117\(2\)](#)

### 39 Disclosure of information, &c.

- (1) Subsection (2) applies where a person knows or has reasonable cause to suspect that a constable is conducting or proposes to conduct a terrorist investigation.
- (2) The person commits an offence if he—
- (a) discloses to another anything which is likely to prejudice the investigation, or
  - (b) interferes with material which is likely to be relevant to the investigation.
- (3) Subsection (4) applies where a person knows or has reasonable cause to suspect that a disclosure has been or will be made under any of sections 19 to 21.
- (4) The person commits an offence if he—
- (a) discloses to another anything which is likely to prejudice an investigation resulting from the disclosure under that section, or
  - (b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.
- (5) It is a defence for a person charged with an offence under subsection (2) or (4) to prove—

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- (a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation, or
  - (b) that he had a reasonable excuse for the disclosure or interference.
- (6) Subsections (2) and (4) do not apply to a disclosure which is made by a professional legal adviser—
- (a) to his client or to his client’s representative in connection with the provision of legal advice by the adviser to the client and not with a view to furthering a criminal purpose, or
  - (b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (8) For the purposes of this section—
- (a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation, and
  - (b) a person interferes with material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

**Modifications etc. (not altering text)**

C13 S. 39 applied (19.2.2001) by S.I. 2001/192, reg. 3

VALID FROM 19/02/2001

**PART V**

COUNTER-TERRORIST POWERS

*Suspected terrorists*

**40 Terrorist: interpretation.**

- (1) In this Part “terrorist” means a person who—
- (a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63, or
  - (b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.
- (2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of acts of terrorism includes a reference to a person who has been, whether before or after the passing of this Act, concerned in

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the commission, preparation or instigation of acts of terrorism within the meaning given by section 1.

#### **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 Schedule 7 when he was arrested under this section, with the time when his examination under that Schedule began.
- (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.
- (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.

#### **42 Search of premises.**

- (1) A justice of the peace may on the application of a constable issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a person falling within section 40(1)(b) is to be found there.
- (2) A warrant under this section shall authorise any constable to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 41.
- (3) In the application of subsection (1) to Scotland—
  - (a) "justice of the peace" includes the sheriff, and

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- (b) the justice of the peace or sheriff can be satisfied as mentioned in that subsection only by having heard evidence on oath.

#### **43 Search of persons.**

- (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (3) A search of a person under this section must be carried out by someone of the same sex.
- (4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.
- (5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

#### **Modifications etc. (not altering text)**

- C14** S. 43(4): power(s) of seizure extended (1.4.2003) by [2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 82](#); [S.I. 2003/708, art. 2](#)

#### *Power to stop and search*

#### **44 Authorisations.**

- (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation and to search—
  - (a) the vehicle;
  - (b) the driver of the vehicle;
  - (c) a passenger in the vehicle;
  - (d) anything in or on the vehicle or carried by the driver or a passenger.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search—
  - (a) the pedestrian;
  - (b) anything carried by him.
- (3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorisation may be given—
  - (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;

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- (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
  - (c) where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
  - (d) where the specified area or place is the whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.
- (5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

#### 45 Exercise of power.

- (1) The power conferred by an authorisation under section 44(1) or (2)—
  - (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
  - (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.
- (2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.
- (3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.
- (5) Where—
  - (a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2), and
  - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2),
 the written statement shall be provided.
- (6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

#### Modifications etc. (not altering text)

- C15** S. 45(1)(4) modified (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C16** S. 45(2) extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 15(1)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

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#### **46 Duration of authorisation.**

- (1) An authorisation under section 44 has effect, subject to subsections (2) to (7), during the period—
  - (a) beginning at the time when the authorisation is given, and
  - (b) ending with a date or at a time specified in the authorisation.
- (2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given.
- (3) The person who gives an authorisation shall inform the Secretary of State as soon as is reasonably practicable.
- (4) If an authorisation is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it is given—
  - (a) it shall cease to have effect at the end of that period, but
  - (b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.
- (5) Where the Secretary of State confirms an authorisation he may substitute an earlier date or time for the date or time specified under subsection (1)(b).
- (6) The Secretary of State may cancel an authorisation with effect from a specified time.
- (7) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) to (6) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

#### **47 Offences.**

- (1) A person commits an offence if he—
  - (a) fails to stop a vehicle when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(1);
  - (b) fails to stop when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(2);
  - (c) wilfully obstructs a constable in the exercise of the power conferred by an authorisation under section 44(1) or (2).
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

#### *Parking*

#### **48 Authorisations.**

- (1) An authorisation under this section authorises any constable in uniform to prohibit or restrict the parking of vehicles on a road specified in the authorisation.
- (2) An authorisation may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.



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- (3) An authorisation may be given—
- (a) where the road specified is outside Northern Ireland and is wholly or partly within a police area other than one mentioned in paragraphs (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
  - (b) where the road specified is wholly or partly in the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
  - (c) where the road specified is wholly or partly in the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
  - (d) where the road specified is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.
- (4) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

#### **49 Exercise of power.**

- (1) The power conferred by an authorisation under section 48 shall be exercised by placing a traffic sign on the road concerned.
- (2) A constable exercising the power conferred by an authorisation under section 48 may suspend a parking place.
- (3) Where a parking place is suspended under subsection (2), the suspension shall be treated as a restriction imposed by virtue of section 48—
  - (a) for the purposes of section 99 of the <sup>M23</sup>Road Traffic Regulation Act 1984 (removal of vehicles illegally parked, &c.) and of any regulations in force under that section, and
  - (b) for the purposes of Articles 47 and 48 of the <sup>M24</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

#### **Marginal Citations**

**M23** 1984 c. 27.

**M24** S.I. 1997/276 (N.I. 2).

#### **50 Duration of authorisation.**

- (1) An authorisation under section 48 has effect, subject to subsections (2) and (3), during the period specified in the authorisation.
- (2) The period specified shall not exceed 28 days.
- (3) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) and (2) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.



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## 51 Offences.

- (1) A person commits an offence if he parks a vehicle in contravention of a prohibition or restriction imposed by virtue of section 48.
- (2) A person commits an offence if—
  - (a) he is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of section 48, and
  - (b) he fails to move the vehicle when ordered to do so by a constable in uniform.
- (3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for the act or omission in question.
- (4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of subsection (3).
- (5) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding three months,
  - (b) a fine not exceeding level 4 on the standard scale, or
  - (c) both.

## 52 Interpretation.

In sections 48 to 51—

“disabled person's badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the <sup>M25</sup>Chronically Sick and Disabled Persons Act 1970 (in relation to England and Wales and Scotland) or section 14 of the <sup>M26</sup>Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (in relation to Northern Ireland);

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

“parking” means leaving a vehicle or permitting it to remain at rest;

“traffic sign” has the meaning given in section 142(1) of the <sup>M27</sup>Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and in Article 28 of the <sup>M28</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland);

“vehicle” has the same meaning as in section 99(5) of the <sup>M29</sup>Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and Article 47(4) of the <sup>M30</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

### Marginal Citations

**M25** 1970 c. 44.

**M26** 1978 c. 53 (N.I.).

**M27** 1984 c. 27.

**M28** S.I. 1997/276 (N.I. 2).

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**M29** 1984 c. 27.

**M30** S.I. 1997/276 (N.I. 2).

*Port and border controls*

**53 Port and border controls.**

- (1) Schedule 7 (port and border controls) shall have effect.
- (2) The Secretary of State may by order repeal paragraph 16 of Schedule 7.
- (3) The powers conferred by Schedule 7 shall be exercisable notwithstanding the rights conferred by section 1 of the <sup>M31</sup>Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).

**Marginal Citations**

**M31** 1971 c. 77.

VALID FROM 19/02/2001

**PART VI**

MISCELLANEOUS

*Terrorist offences*

**54 Weapons training.**

- (1) A person commits an offence if he provides instruction or training in the making or use of—
  - (a) firearms,
  - (b) explosives, or
  - (c) chemical, biological or nuclear weapons.
- (2) A person commits an offence if he receives instruction or training in the making or use of—
  - (a) firearms,
  - (b) explosives, or
  - (c) chemical, biological or nuclear weapons.
- (3) A person commits an offence if he invites another to receive instruction or training and the receipt—
  - (a) would constitute an offence under subsection (2), or
  - (b) would constitute an offence under subsection (2) but for the fact that it is to take place outside the United Kingdom.
- (4) For the purpose of subsections (1) and (3)—

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- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons, and
  - (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.
- (5) It is a defence for a person charged with an offence under this section in relation to instruction or training to prove that his action or involvement was wholly for a purpose other than assisting, preparing for or participating in terrorism.
- (6) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of anything which the court considers to have been in the person’s possession for purposes connected with the offence.
- (8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.
- (9) An order under subsection (7) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

## 55 Weapons training: interpretation.

In section 54—

“biological weapon” means anything to which section 1(1)(b) of the <sup>M32</sup>Biological Weapons Act 1974 applies,

“chemical weapon” has the meaning given by section 1 of the <sup>M33</sup>Chemical Weapons Act 1996, and

“nuclear weapon” means a weapon which contains nuclear material within the meaning of Article 1(a) and (b) of the Convention on the Physical Protection of Nuclear Material opened for signature at Vienna and New York on 3rd March 1980 (set out in the Schedule to the <sup>M34</sup>Nuclear Material (Offences) Act 1983).

### Marginal Citations

M32 1974 c. 6.

M33 1996 c. 6.

M34 1983 c. 18.

## 56 Directing terrorist organisation.

- (1) A person commits an offence if he directs, at any level, the activities of an organisation which is concerned in the commission of acts of terrorism.

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- (2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

**57 Possession for terrorist purposes.**

- (1) A person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism.
- (2) It is a defence for a person charged with an offence under this section to prove that his possession of the article was not for a purpose connected with the commission, preparation or instigation of an act of terrorism.
- (3) In proceedings for an offence under this section, if it is proved that an article—
- (a) was on any premises at the same time as the accused, or
  - (b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,
- the court may assume that the accused possessed the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**58 Collection of information.**

- (1) A person commits an offence if—
- (a) he collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) he possesses a document or record containing information of that kind.
- (2) In this section “record” includes a photographic or electronic record.
- (3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (5) A court by or before which a person is convicted of an offence under this section may order the forfeiture of any document or record containing information of the kind mentioned in subsection (1)(a).
- (6) Before making an order under subsection (5) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.

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- (7) An order under subsection (5) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

VALID FROM 16/02/2009

**[<sup>F16</sup>58A Eliciting, publishing or communicating information about members of armed forces etc**

- (1) A person commits an offence who—
- (a) elicits or attempts to elicit information about an individual who is or has been—
    - (i) a member of Her Majesty's forces,
    - (ii) a member of any of the intelligence services, or
    - (iii) a constable,which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) publishes or communicates any such information.
- (2) It is a defence for a person charged with an offence under this section to prove that they had a reasonable excuse for their action.
- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;
  - (b) on summary conviction—
    - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
    - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this section “the intelligence services” means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c. 13)).
- (5) Schedule 8A to this Act contains supplementary provisions relating to the offence under this section.]

**Textual Amendments**

- F16** S. 58A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 76(1)(2), 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(d)

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### *Inciting terrorism overseas*

#### **59 England and Wales.**

- (1) A person commits an offence if—
  - (a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and
  - (b) the act would, if committed in England and Wales, constitute one of the offences listed in subsection (2).
- (2) Those offences are—
  - (a) murder,
  - (b) an offence under section 18 of the Offences against the <sup>M35</sup>Person Act 1861 (wounding with intent),
  - (c) an offence under section 23 or 24 of that Act (poison),
  - (d) an offence under section 28 or 29 of that Act (explosions), and
  - (e) an offence under section 1(2) of the <sup>M36</sup>Criminal Damage Act 1971 (endangering life by damaging property).
- (3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.
- (4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.
- (5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

#### **Marginal Citations**

**M35** 1861 c. 100.

**M36** 1971 c. 48.

#### **60 Northern Ireland.**

- (1) A person commits an offence if—
  - (a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and
  - (b) the act would, if committed in Northern Ireland, constitute one of the offences listed in subsection (2).
- (2) Those offences are—
  - (a) murder,
  - (b) an offence under section 18 of the Offences against the <sup>M37</sup>Person Act 1861 (wounding with intent),
  - (c) an offence under section 23 or 24 of that Act (poison),
  - (d) an offence under section 28 or 29 of that Act (explosions), and
  - (e) an offence under Article 3(2) of the <sup>M38</sup>Criminal Damage (Northern Ireland) Order 1977 (endangering life by damaging property).

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- (3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.
- (4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.
- (5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

#### Marginal Citations

M37 1861 c. 100.

M38 S.I. 1977/426 (N.I. 4).

### 61 Scotland.

- (1) A person commits an offence if—
  - (a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and
  - (b) the act would, if committed in Scotland, constitute one of the offences listed in subsection (2).
- (2) Those offences are—
  - (a) murder,
  - (b) assault to severe injury, and
  - (c) reckless conduct which causes actual injury.
- (3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.
- (4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.
- (5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

#### *Terrorist bombing and finance offences*

### 62 Terrorist bombing: jurisdiction.

- (1) If—
  - (a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and
  - (b) his action would have constituted the commission of one of the offences listed in subsection (2) if it had been done in the United Kingdom,he shall be guilty of the offence.
- (2) The offences referred to in subsection (1)(b) are—



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- (a) an offence under section 2, 3 or 5 of the <sup>M39</sup>Explosive Substances Act 1883 (causing explosions, &c.),
- (b) an offence under section 1 of the <sup>M40</sup>Biological Weapons Act 1974 (biological weapons), and
- (c) an offence under section 2 of the <sup>M41</sup>Chemical Weapons Act 1996 (chemical weapons).

#### Marginal Citations

**M39** 1883 c. 3.

**M40** 1974 c. 6.

**M41** 1996 c. 6.

### 63 Terrorist finance: jurisdiction.

- (1) If—
  - (a) a person does anything outside the United Kingdom, and
  - (b) his action would have constituted the commission of an offence under any of sections 15 to 18 if it had been done in the United Kingdom,
 he shall be guilty of the offence.
- (2) For the purposes of subsection (1)(b), section 18(1)(b) shall be read as if for “the jurisdiction” there were substituted “a jurisdiction”.

### 64 Extradition.

- (1) The <sup>M42</sup>Extradition Act 1989 shall be amended as follows.
- (2) In section 22(2) (international conventions) after paragraph (l) insert—
  - “(m) the Convention for the Suppression of Terrorist Bombings, which was opened for signature at New York on 12th January 1998 (“the Terrorist Bombings Convention”);
  - (n) the Convention for the Suppression of the Financing of Terrorism which was opened for signature at New York on 10th January 2000 (“the Terrorist Finance Convention”).”
- (3) In section 22(4) (relevant offences) after paragraph (l) insert—
  - “(m) in relation to the Terrorist Bombings Convention, an offence, committed as an act of terrorism or for the purposes of terrorism, under—
    - (i) section 2, 3 or 5 of the <sup>M43</sup>Explosive Substances Act 1883 (causing explosions, &c.),
    - (ii) section 1 of the <sup>M44</sup>Biological Weapons Act 1974 (biological weapons), or
    - (iii) section 2 of the <sup>M45</sup>Chemical Weapons Act 1996 (chemical weapons);
  - (n) in relation to the Terrorist Finance Convention, an offence under any of sections 15 to 18 of the Terrorism Act 2000 (terrorist property: offences).”
- (4) After section 24(4) (suppression of terrorism) insert—

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“(5) Subsections (1) and (2) above shall have effect in relation to an offence to which section 22(4)(m) or (n) above applies as they have effect in relation to an offence to which section 1 of the Suppression of Terrorism Act 1978 applies.

- (6) For that purpose subsection (2) applies to a country which is a party to—
- (a) the Convention for the Suppression of Terrorist Bombings mentioned in section 22(2)(m) above, or
  - (b) the Convention for the Suppression of the Financing of Terrorism mentioned in section 22(2)(n) above.”

- (5) The offences to which an Order in Council under section 2 of the <sup>M46</sup>Extradition Act 1870 (arrangements with foreign states) can apply shall include—
- (a) offences under the provisions mentioned in sections 62(2) and 63(1)(b),
  - (b) conspiracy to commit any of those offences, and
  - (c) attempt to commit any of those offences.

#### Marginal Citations

M42 1989 c. 33.

M43 1883 c. 3.

M44 1974 c. 6.

M45 1996 c. 6.

M46 1870 c. 52.

VALID FROM 26/04/2004

<sup>F17</sup>*Extra-territorial jurisdiction for other terrorist offences etc.*

#### Textual Amendments

- F17 Ss. 63A-63E and preceding cross-heading inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 52](#); S.I. 2004/786, [art. 3](#)

### 63A Other terrorist offences under this Act: jurisdiction

- (1) If—
- (a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom, and
  - (b) his action, if done in any part of the United Kingdom, would have constituted an offence under section 54 or any of sections 56 to 61,
- he shall be guilty in that part of the United Kingdom of the offence.
- (2) For the purposes of this section and sections 63B and 63C a “United Kingdom national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or

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(c) a British protected person within the meaning of that Act.

(3) For the purposes of this section and sections 63B and 63C a “United Kingdom resident” means an individual who is resident in the United Kingdom.

### **63B Terrorist attacks abroad by UK nationals or residents: jurisdiction**

(1) If—

- (a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and
- (b) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

- (a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,
- (b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,
- (c) an offence under any of sections 1 to 5 of the Forgery and Counterfeiting Act 1981,
- (d) the uttering of a forged document or an offence under section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995,
- (e) an offence under section 1 or 2 of the Criminal Damage Act 1971,
- (f) an offence under Article 3 or 4 of the Criminal Damage (Northern Ireland) Order 1977,
- (g) malicious mischief,
- (h) wilful fire-raising.

### **63C Terrorist attacks abroad on UK nationals, residents and diplomatic staff etc: jurisdiction**

(1) If—

- (a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,
- (b) his action is done to, or in relation to, a United Kingdom national, a United Kingdom resident or a protected person, and
- (c) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

- (a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,
- (b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,
- (c) an offence under section 1, 2, 3, 4 or 5(1) or (3) of the Forgery and Counterfeiting Act 1981,

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- (d) the uttering of a forged document or an offence under section 46A(1) of the Criminal Law (Consolidation) (Scotland) Act 1995.
- (3) For the purposes of this section and section 63D a person is a protected person if—
  - (a) he is a member of a United Kingdom diplomatic mission within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations signed in 1961 (as that Article has effect in the United Kingdom by virtue of section 2 of and Schedule 1 to the Diplomatic Privileges Act 1964),
  - (b) he is a member of a United Kingdom consular post within the meaning of Article 1(g) of the Vienna Convention on Consular Relations signed in 1963 (as that Article has effect in the United Kingdom by virtue of section 1 of and Schedule 1 to the Consular Relations Act 1968),
  - (c) he carries out any functions for the purposes of the European Agency for the Evaluation of Medicinal Products, or
  - (d) he carries out any functions for the purposes of a body specified in an order made by the Secretary of State.
- (4) The Secretary of State may specify a body under subsection (3)(d) only if—
  - (a) it is established by or under the Treaty establishing the European Community or the Treaty on European Union, and
  - (b) the principal place in which its functions are carried out is a place in the United Kingdom.
- (5) If in any proceedings a question arises as to whether a person is or was a protected person, a certificate—
  - (a) issued by or under the authority of the Secretary of State, and
  - (b) stating any fact relating to the question,is to be conclusive evidence of that fact.

### **63D Terrorist attacks or threats abroad in connection with UK diplomatic premises etc: jurisdiction**

- (1) If—
  - (a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,
  - (b) his action is done in connection with an attack on relevant premises or on a vehicle ordinarily used by a protected person,
  - (c) the attack is made when a protected person is on or in the premises or vehicle, and
  - (d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),he shall be guilty in that part of the United Kingdom of the offence.
- (2) These are the offences—
  - (a) an offence under section 1 of the Criminal Damage Act 1971,
  - (b) an offence under Article 3 of the Criminal Damage (Northern Ireland) Order 1977,
  - (c) malicious mischief,
  - (d) wilful fire-raising.
- (3) If—

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- (a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,
- (b) his action consists of a threat of an attack on relevant premises or on a vehicle ordinarily used by a protected person,
- (c) the attack is threatened to be made when a protected person is, or is likely to be, on or in the premises or vehicle, and
- (d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (4),

he shall be guilty in that part of the United Kingdom of the offence.

(4) These are the offences—

- (a) an offence under section 2 of the Criminal Damage Act 1971,
- (b) an offence under Article 4 of the Criminal Damage (Northern Ireland) Order 1977,
- (c) breach of the peace (in relation to Scotland only).

(5) “Relevant premises” means—

- (a) premises at which a protected person resides or is staying, or
- (b) premises which a protected person uses for the purpose of carrying out his functions as such a person.

### **63E Sections 63B to 63D: supplementary**

(1) Proceedings for an offence which (disregarding the Acts listed in subsection (2)) would not be an offence apart from section 63B, 63C or 63D are not to be started—

- (a) in England and Wales, except by or with the consent of the Attorney General,
- (b) in Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland.

(2) These are the Acts—

- (a) the Internationally Protected Persons Act 1978,
- (b) the Suppression of Terrorism Act 1978,
- (c) the Nuclear Material (Offences) Act 1983,
- (d) the United Nations Personnel Act 1997.

(3) For the purposes of sections 63C and 63D it is immaterial whether a person knows that another person is a United Kingdom national, a United Kingdom resident or a protected person.

(4) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (1)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.]

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## PART VII

### NORTHERN IRELAND

#### Modifications etc. (not altering text)

- C17** Pt. VII (ss. 65-113): for the duration of Pt. VII see ss. 112, 113 by virtue of 2000 c. 11, ss. 112(1)(4), 128
- Pt. VII (ss. 65-113) continued ( temp. from 19.2.2002 until 18.2.2003) by S.I. 2002/365, art. 2
- Pt. VII (ss. 65-113) continued (temp. from 19.2.2003 until 18.2.2004) by The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), art. 2
- Pt. VII (ss. 65-113) continued (temp. from 19.2.2004 until 18.2.2005) by The Terrorism Act 2000 (Continuance of Part VII) Order 2004 (S.I. 2004/431), art. 2
- Pt. VII (ss. 65-113) continued (temp. from 19.2.2005 until 18.2.2006) by The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), art. 2
- Pt. VII (except s. 78) continued (temp. from 19.2.2006 until 31.7.2007) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 1(1)(2)
- Pt. VII: power to continue specified provisions conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(3)}, 2(1)(2)

VALID FROM 19/02/2001

#### *Scheduled offences*

#### **65 Scheduled offence: interpretation.**

- (1) In this Part “scheduled offence” means, subject to any relevant note in Part I or III of Schedule 9, an offence specified in either of those Parts.
- (2) Part II of that Schedule shall have effect in respect of offences related to those specified in Part I.
- (3) The Secretary of State may by order—
  - (a) add an offence to Part I or II of Schedule 9;
  - (b) remove an offence from Part I or II of that Schedule;
  - (c) amend Part I or II of that Schedule in some other way.

#### **66 Preliminary inquiry.**

- (1) In proceedings before a magistrates’ court for a scheduled offence, if the prosecution requests the court to conduct a preliminary inquiry into the offence the court shall grant the request.
- (2) In subsection (1) “preliminary inquiry” means a preliminary inquiry under the <sup>M47</sup>Magistrates’ Courts (Northern Ireland) Order 1981.
- (3) Subsection (1)—
  - (a) shall apply notwithstanding anything in Article 31 of that Order,
  - (b) shall not apply in respect of an offence where the court considers that in the interests of justice a preliminary investigation should be conducted into the offence under that Order, and

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(c) shall not apply in respect of an extra-territorial offence (as defined in section 1(3) of the <sup>M48</sup>Criminal Jurisdiction Act 1975)).

(4) Where a person charged with a scheduled offence is also charged with a non-scheduled offence, the non-scheduled offence shall be treated as a scheduled offence for the purposes of this section.

#### Marginal Citations

**M47** S.I. 1981/1675 (N.I. 26).

**M48** 1975 c. 59.

### 67 Limitation of power to grant bail.

(1) This section applies to a person who—

- (a) has attained the age of fourteen, and
- (b) is charged with a scheduled offence which is neither being tried summarily nor certified by the Director of Public Prosecutions for Northern Ireland as suitable for summary trial.

(2) Subject to subsections (6) and (7), a person to whom this section applies shall not be admitted to bail except—

- (a) by a judge of the High Court or the Court of Appeal, or
- (b) by the judge of the court of trial on adjourning the trial of a person charged with a scheduled offence.

(3) A judge may, in his discretion, admit a person to whom this section applies to bail unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would—

- (a) fail to surrender to custody,
- (b) commit an offence while on bail,
- (c) interfere with a witness,
- (d) otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person, or
- (e) fail to comply with conditions of release (if any).

(4) In exercising his discretion in relation to a person under subsection (3) a judge shall have regard to such of the following considerations as he considers relevant (as well as to any others which he considers relevant)—

- (a) the nature and seriousness of the offence with which the person is charged,
- (b) the character, antecedents, associations and community ties of the person,
- (c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail, and
- (d) the strength of the evidence of his having committed the offence.

(5) Without prejudice to any other power to impose conditions on admission to bail, a judge admitting a person to bail under this section may impose such conditions as he considers—

- (a) likely to result in the person's appearance at the time and place required, or
- (b) necessary in the interests of justice or for the prevention of crime.



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- (6) Subsection (7) applies where a person to whom this section applies is a serving member of—
- (a) any of Her Majesty’s forces, or
  - (b) the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.
- (7) Where this subsection applies to a person he may be admitted to bail on condition that he is held in military or police custody if the person granting bail is satisfied that suitable arrangements have been made; and—
- (a) bail on that condition may be granted by a judge or a resident magistrate, and
  - (b) it shall be lawful for the person to be held in military or police custody in accordance with the conditions of his bail.

## 68 Bail: legal aid.

- (1) Where it appears to a judge of the High Court or the Court of Appeal—
- (a) that a person charged with a scheduled offence intends to apply to be admitted to bail,
  - (b) that it is desirable in the interests of justice that he should have legal aid, and
  - (c) that he has not sufficient means to enable him to obtain that aid,
- the judge may assign to him a solicitor and counsel, or counsel only, in the application for bail.
- (2) If on a question of granting a person free legal aid under this section there is a doubt—
- (a) whether his means are sufficient to enable him to obtain legal aid, or
  - (b) whether it is desirable in the interests of justice that he should have free legal aid,
- the doubt shall be resolved in favour of granting him free legal aid.
- (3) Articles 32, 36 and 40 of the <sup>M49</sup>Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (statements, payments, rules and stamp duty) shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part III of that Order as if legal aid under this section were given in pursuance of a criminal aid certificate under Article 29 of that Order.

### Marginal Citations

M49 S.I. 1981/228 (N.I. 8).

## 69 Maximum period of remand in custody.

- (1) The period for which a person charged with a scheduled offence may be remanded in custody by a magistrates’ court shall be a period of not more than 28 days beginning with the day following that on which he is remanded.
- (2) Subsection (1) has effect—
- (a) notwithstanding Article 47(2) and (3) of the <sup>M50</sup>Magistrates’ Courts (Northern Ireland) Order 1981, and
  - (b) whether or not a person is also charged with a non-scheduled offence.

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### Marginal Citations

**M50** S.I. 1981/1675 (N.I. 26).

## 70 Young persons: custody on remand, &c.

- (1) While a young person charged with a scheduled offence is remanded or committed for trial and not released on bail, he may be held in custody in such prison or other place as may be specified in a direction given by the Secretary of State under this section.
- (2) Subsection (1) shall have effect in respect of a person—
  - (a) notwithstanding the provisions of any enactment, and
  - (b) whether or not he was remanded or committed for trial at a time when this section was not in force.
- (3) The Secretary of State may give a direction under this section in respect of a person if he considers it necessary to make special arrangements as to the place at which the person is to be held in order—
  - (a) to prevent his escape, or
  - (b) to ensure his safety or the safety of others.
- (4) The Secretary of State may give a direction under this section at any time after the person to whom it relates has been charged.
- (5) In this section “young person” means a person who—
  - (a) has attained the age of fourteen, and
  - (b) has not attained the age of seventeen.

## 71 Directions under section 70.

- (1) A direction under section 70 shall cease to have effect at the expiry of the period specified in the direction unless—
  - (a) it has previously ceased to have effect, or
  - (b) it is continued in force by a further direction.
- (2) The specified period shall not end after the end of the period of two months beginning with the date of the direction.
- (3) Where—
  - (a) a person is held in custody in a prison or other place by virtue of a direction, and
  - (b) the direction ceases to have effect (whether or not by reason of the expiry or cesser of section 70),
 it shall be lawful for him to continue to be held in custody in that prison or place until arrangements can be made for him to be held in custody in accordance with the law then applicable to his case.
- (4) Nothing in subsection (3) shall be taken as permitting the holding in custody of a person who is entitled to be released from custody.

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## 72 Time limits for preliminary proceedings.

- (1) The Secretary of State may by regulations make provision, in respect of a specified preliminary stage of proceedings for a scheduled offence, as to the maximum period—
  - (a) to be allowed to the prosecution to complete the stage;
  - (b) during which the accused may, while awaiting completion of the stage, be in the custody of a magistrates' court or the Crown Court in relation to the offence.
- (2) The regulations may, in particular—
  - (a) provide for a specified law about bail to apply in relation to cases to which custody or overall time limits apply (subject to any modifications which the Secretary of State considers it necessary to specify in the regulations);
  - (b) provide for time limits to cease to have effect in cases where the Attorney General for Northern Ireland certifies after the institution of proceedings that an offence is not to be treated as a scheduled offence;
  - (c) make such provision with respect to the procedure to be followed in criminal proceedings as the Secretary of State considers appropriate in consequence of another provision of the regulations;
  - (d) make provision which has effect in relation to a non-scheduled offence where separate counts of an indictment allege a scheduled offence and a non-scheduled offence;
  - (e) enable the Crown Court in specified circumstances to extend or further extend a time limit at any time before it expires.
- (3) Subject to subsection (4), where an overall time limit expires before the completion of the stage of proceedings to which the limit applies, the accused shall be treated for all purposes as having been acquitted of the offence to which the proceedings relate.
- (4) Regulations under this section which provide for a custody time limit in relation to a preliminary stage shall have no effect where—
  - (a) a person escapes from the custody of a magistrates' court or the Crown Court before the expiry of the custody time limit,
  - (b) a person who has been released on bail in consequence of the expiry of a custody time limit fails to surrender himself into the custody of the court at the appointed time, or
  - (c) a person who has been released on bail in consequence of the expiry of a custody time limit is arrested by a constable in connection with a breach or apprehended breach of a condition of his bail.
- (5) If a person escapes from the custody of a magistrates' court or the Crown Court, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the escape shall cease to have effect in relation to those proceedings.
- (6) If a person who has been released on bail fails to surrender himself into the custody of the court at the appointed time, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the failure shall cease to have effect in relation to those proceedings.

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### **73 Time limits: supplementary.**

- (1) Where a person is convicted of an offence, the exercise of power conferred by virtue of section 72(2)(e) in relation to proceedings for the offence shall not be called into question on an appeal against the conviction.
- (2) In the application of section 72 in relation to proceedings on indictment, “preliminary stage” does not include a stage—
  - (a) after the time when the case for the prosecution is opened, or
  - (b) if the court accepts a plea of guilty before the case for the prosecution is opened, after the plea is accepted.
- (3) In the application of section 72 in relation to summary proceedings, “preliminary stage” does not include a stage—
  - (a) after the court begins to hear evidence for the prosecution at the trial,
  - (b) if the court accepts a plea of guilty before it has begun to hear evidence for the prosecution, after the plea is accepted, or
  - (c) after the court begins to consider whether to exercise its power under Article 44(4) of the <sup>M51</sup>Mental Health (Northern Ireland) Order 1986 (power to make hospital order without conviction).
- (4) In this section and section 72—
 

“custody of the Crown Court” includes custody to which a person is committed in pursuance of—

  - (a) Article 37 or 40(4) of the <sup>M52</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (magistrates’ court committing accused for trial), or
  - (b) section 51(8) of the <sup>M53</sup>Judicature (Northern Ireland) Act 1978 (magistrates’ court dealing with a person arrested under Crown Court warrant),

“custody of a magistrates’ court” means custody to which a person is committed in pursuance of Article 47 or 49 of the <sup>M54</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (remand),

“custody time limit” means a time limit imposed by regulations in pursuance of section 72(1)(b) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended,

“law about bail” means—

  - (a) the <sup>M55</sup>Magistrates’ Courts (Northern Ireland) Order 1981,
  - (b) section 67 of this Act,
  - (c) any other enactment relating to bail, and
  - (d) any rule of law relating to bail, and

“overall time limit” means a time limit imposed by regulations in pursuance of section 72(1)(a) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended.
- (5) For the purposes of the application of a custody time limit in relation to a person who is in the custody of a magistrates’ court or the Crown Court—
  - (a) all periods during which he is in the custody of a magistrates’ court in respect of the same offence shall be aggregated and treated as a single continuous period; and

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- (b) all periods during which he is in the custody of the Crown Court in respect of the same offence shall be aggregated and treated as a single continuous period.

#### Marginal Citations

- M51** S.I. 1986/595 (N.I. 4).  
**M52** S.I. 1981/1675 (N.I. 26).  
**M53** 1978 c. 23.  
**M54** S.I. 1981/1675 (N.I. 26).  
**M55** S.I. 1981/1675 (N.I. 26).

#### 74 Court for trial.

- (1) A trial on indictment of a scheduled offence shall be held only at the Crown Court sitting in Belfast, unless—
- (a) the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland directs that the trial, or a class of trials within which it falls, shall be held at the Crown Court sitting elsewhere, or
- (b) the Lord Chief Justice of Northern Ireland directs that the trial, or part of it, shall be held at the Crown Court sitting elsewhere.
- (2) A person committed for trial for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, shall be committed—
- (a) to the Crown Court sitting in Belfast, or
- (b) where a direction has been given under subsection (1) which concerns the trial, to the Crown Court sitting at the place specified in the direction;
- and section 48 of the <sup>M56</sup>Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) shall have effect accordingly.
- (3) Where—
- (a) a person is committed for trial to the Crown Court sitting in Belfast in accordance with subsection (2), and
- (b) a direction is subsequently given under subsection (1), before the commencement of the trial, altering the place of trial,
- the person shall be treated as having been committed for trial to the Crown Court sitting at the place specified in the direction.

#### Marginal Citations

- M56** 1978 c. 23.

#### 75 Mode of trial on indictment.

- (1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.
- (2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if it had been sitting with a jury (including power to determine any question and to make any

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finding which would, apart from this section, be required to be determined or made by a jury).

- (3) A reference in an enactment to a jury, the verdict of a jury or the finding of a jury shall, in relation to a trial under this section, be construed as a reference to the court, the verdict of the court or the finding of the court.
- (4) Where separate counts of an indictment allege a scheduled offence and a non-scheduled offence, the trial on indictment shall be conducted as if all the offences alleged in the indictment were scheduled offences.
- (5) Subsection (4) is without prejudice to section 5 of the <sup>M57</sup>Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial).
- (6) Without prejudice to subsection (2), where the court trying a scheduled offence on indictment—
  - (a) is not satisfied that the accused is guilty of the offence, but
  - (b) is satisfied that he is guilty of a non-scheduled offence of which a jury could have found him guilty on a trial for the scheduled offence,
 the court may convict him of the non-scheduled offence.
- (7) Where the court trying a scheduled offence convicts the accused of that or some other offence, it shall give a judgment stating the reasons for the conviction at or as soon as is reasonably practicable after the time of conviction.
- (8) A person convicted of an offence on a trial under this section without a jury may, notwithstanding anything in sections 1 and 10(1) of the <sup>M58</sup>Criminal Appeal (Northern Ireland) Act 1980, appeal to the Court of Appeal under Part I of that Act—
  - (a) against his conviction, on any ground, without the leave of the Court of Appeal or a certificate of the judge of the court of trial;
  - (b) against sentence passed on conviction, without that leave, unless the sentence is fixed by law.
- (9) Where a person is convicted of an offence on a trial under this section, the time for giving notice of appeal under section 16(1) of that Act shall run from the date of judgment if later than the date from which it would run under that subsection.

#### Marginal Citations

**M57** 1945 c. 16(N.I.).

**M58** 1980 c. 47.

## 76 Admission in trial on indictment.

- (1) This section applies to a trial on indictment for—
  - (a) a scheduled offence, or
  - (b) two or more offences at least one of which is a scheduled offence.
- (2) A statement made by the accused may be given in evidence by the prosecution in so far as—
  - (a) it is relevant to a matter in issue in the proceedings, and

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- (b) it is not excluded or inadmissible (whether by virtue of subsections (3) to (5) or otherwise).
- (3) Subsections (4) and (5) apply if in proceedings to which this section applies—
  - (a) the prosecution gives or proposes to give a statement made by the accused in evidence,
  - (b) prima facie evidence is adduced that the accused was subjected to torture, inhuman or degrading treatment, violence or the threat of violence in order to induce him to make the statement, and
  - (c) the prosecution does not satisfy the court that the statement was not obtained in the manner mentioned in paragraph (b).
- (4) If the statement has not yet been given in evidence, the court shall—
  - (a) exclude the statement, or
  - (b) direct that the trial be restarted before a differently constituted court (before which the statement shall be inadmissible).
- (5) If the statement has been given in evidence, the court shall—
  - (a) disregard it, or
  - (b) direct that the trial be restarted before a differently constituted court (before which the statement shall be inadmissible).
- (6) This section is without prejudice to any discretion of a court to—
  - (a) exclude or ignore a statement, or
  - (b) direct a trial to be restarted,where the court considers it appropriate in order to avoid unfairness to the accused or otherwise in the interests of justice.

**77 Possession: onus of proof.**

- (1) This section applies to a trial on indictment for a scheduled offence where the accused is charged with possessing an article in such circumstances as to constitute an offence under any of the enactments listed in subsection (3).
- (2) If it is proved that the article—
  - (a) was on any premises at the same time as the accused, or
  - (b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,the court may assume that the accused possessed (and, if relevant, knowingly possessed) the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.
- (3) The following are the offences mentioned in subsection (1)—

*Substances Act 1883*

*The <sup>M59</sup>Explosive*

Section 3, so far as relating to subsection (1)(b) thereof (possessing explosive with intent to endanger life or cause serious damage to property).

Section 4 (possessing explosive in suspicious circumstances).



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*The <sup>M60</sup>Protection of the Person and  
Property Act (Northern Ireland) 1969*

Section 2 (possessing petrol bomb, &c. in suspicious circumstances).

*The <sup>M61</sup>Firearms  
(Northern Ireland) Order 1981*

Article 6(1) (manufacturing, dealing in or possessing certain weapons, &c.).

Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 18(2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 22(1), (2) or (4) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, &c.).

Article 23 (possessing firearm or ammunition in suspicious circumstances).

**Marginal Citations**

**M59** 1883 c. 3.

**M60** 1969 c. 29 (N.I.).

**M61** S.I. 1981/155 (N.I. 2)

**78 Children: sentence.**

- (1) This section applies where a child is convicted on indictment of a scheduled offence committed while this section is in force.
- (2) Article 45(2) of the <sup>M62</sup>Criminal Justice (Children) (Northern Ireland) Order 1998 (punishment for serious offence) shall have effect with the substitution for the words “ 14 years ” of the words “five years”.
- (3) In this section “child” means a person who has not attained the age of 17.

**Marginal Citations**

**M62** S.I. 1998/1504 (N.I. 9).

**79 Restricted remission.**

- (1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence shall not, where it is for a term of five years or more, exceed one-third of the term.
- (2) Where a person is sentenced on the same occasion for two or more scheduled offences to terms which are consecutive, subsection (1) shall apply as if those terms were a single term.
- (3) Where a person is serving two or more terms which are consecutive but not all subject to subsection (1), the maximum remission granted under prison rules in respect of

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those terms taken together shall be arrived at by calculating the maximum remission for each term separately and aggregating the result.

- (4) In this section “prison rules” means rules made under section 13 of the <sup>M63</sup>Prison Act (Northern Ireland) 1953.
- (5) The Secretary of State may by order substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1).
- (6) This section applies where—
  - (a) the scheduled offence is committed while this section is in force,
  - (b) the offence (being a scheduled offence within the meaning of the <sup>M64</sup>Northern Ireland (Emergency Provisions) Act 1996) was committed while section 15 of that Act was in force,
  - (c) the offence (being a scheduled offence within the meaning of the <sup>M65</sup>Northern Ireland (Emergency Provisions) Act 1991) was committed while section 14 of that Act was in force, or
  - (d) the offence (being a scheduled offence within the meaning of the <sup>M66</sup>Northern Ireland (Emergency Provisions) Act 1978) was committed while section 22 of the <sup>M67</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

#### Marginal Citations

- M63** 1953 c.18 (N.I.)  
**M64** 1996 c. 22.  
**M65** 1991 c. 24.  
**M66** 1978 c. 5.  
**M67** 1989 c. 4.

## 80 Conviction during remission.

- (1) This section applies where—
  - (a) a person is sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year,
  - (b) he is discharged from prison or the centre in pursuance of prison rules, and
  - (c) before his sentence or term would have expired (but for the discharge) he commits, and is convicted on indictment of, a scheduled offence.
- (2) If the court before which he is convicted of the scheduled offence sentences him to imprisonment or a term of detention it shall in addition order him to be returned to prison or a young offenders centre for the period between the date of the order and the date on which the sentence or term mentioned in subsection (1) would have expired but for his discharge.
- (3) No order shall be made under subsection (2) if the sentence imposed by the court is—
  - (a) a suspended sentence,
  - (b) a sentence of life imprisonment, or
  - (c) a sentence of detention during the Secretary of State’s pleasure under Article 45(1) of the <sup>M68</sup>Criminal Justice (Children) (Northern Ireland) Order 1998.

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- (4) An order made under subsection (2) shall cease to have effect if an appeal against the scheduled offence results in—
- (a) the acquittal of the person concerned, or
  - (b) the substitution of a sentence other than imprisonment or a term of detention.
- (5) The period for which a person is ordered under this section to be returned to prison or a young offenders centre—
- (a) shall be taken to be a sentence of imprisonment or term of detention for the purposes of the <sup>M69</sup>Prison Act (Northern Ireland) 1953 and for the purposes of the <sup>M70</sup>Treatment of Offenders Act (Northern Ireland) 1968 other than section 26(2) (reduction for time spent in custody),
  - (b) shall not be subject to any provision of prison rules for discharge before expiry, and
  - (c) shall be served before, and be followed by, the sentence or term imposed for the scheduled offence and be disregarded in determining the appropriate length of that sentence or term.
- (6) For the purposes of this section a certificate purporting to be signed by the governor or deputy governor of a prison or young offenders centre which specifies—
- (a) the date on which a person was discharged from prison or a young offenders centre,
  - (b) the sentence or term which the person was serving at the time of his discharge, the offence in respect of which the sentence or term was imposed and the date on which he was convicted of that offence, and
  - (c) the date on which the person would, but for his discharge in pursuance of prison rules, have been discharged from prison or a young offenders centre,
- shall be evidence of the matters specified.
- (7) In this section—
- “prison rules” means rules made under section 13 of the <sup>M71</sup>Prison Act (Northern Ireland) 1953,
- “sentence of imprisonment” does not include a committal in default of payment of any sum of money or for want of sufficient distress to satisfy any sum of money or for failure to do or abstain from doing anything required to be done or left undone, and
- “young offenders centre” has the meaning assigned to it by section 2(a) of the <sup>M72</sup>Treatment of Offenders Act (Northern Ireland) 1968.
- (8) For the purposes of subsection (1) consecutive terms of imprisonment or of detention in a young offenders centre shall be treated as a single term and a sentence of imprisonment or detention in a young offenders centre includes—
- (a) a sentence or term passed by a court in the United Kingdom or any of the Islands, and
  - (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence within the meaning of the <sup>M73</sup>Army Act 1955, the <sup>M74</sup>Air Force Act 1955 and the <sup>M75</sup>Naval Discipline Act 1957.
- (9) The Secretary of State may by order substitute a different period for the period of one year mentioned in subsection (1).
- (10) This section applies irrespective of when the discharge from prison or a young offenders centre took place but only if—

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- (a) the scheduled offence is committed while this section is in force,
- (b) the offence (being a scheduled offence within the meaning of the <sup>M76</sup>Northern Ireland (Emergency Provisions) Act 1996) was committed while section 16 of that Act was in force,
- (c) the offence (being a scheduled offence within the meaning of the <sup>M77</sup>Northern Ireland (Emergency Provisions) Act 1991) was committed while section 15 of that Act was in force, or
- (d) the offence (being a scheduled offence within the meaning of the <sup>M78</sup>Northern Ireland (Emergency Provisions) Act 1978) was committed while section 23 of the <sup>M79</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

#### Marginal Citations

- M68** S.I. 1998/1504 (N.I. 9).
- M69** 1953 c. 18 (N.I.).
- M70** 1968 c. 29 (N.I.).
- M71** 1953 c. 18 (N.I.).
- M72** 1968 c. 29 (N.I.).
- M73** 1955 c. 18.
- M74** 1955 c. 19.
- M75** 1957 c. 53.
- M76** 1996 c. 22.
- M77** 1991 c. 24.
- M78** 1978 c. 5.
- M79** 1989 c. 4.

VALID FROM 19/02/2001

#### *Powers of arrest, search, &c.*

#### **81 Arrest of suspected terrorists: power of entry.**

A constable may enter and search any premises if he reasonably suspects that a terrorist, within the meaning of section 40(1)(b), is to be found there.

#### **82 Arrest and seizure: constables.**

- (1) A constable may arrest without warrant any person if he reasonably suspects that the person is committing, has committed or is about to commit—
  - (a) a scheduled offence, or
  - (b) a non-scheduled offence under this Act.
- (2) For the purpose of arresting a person under this section a constable may enter and search any premises where the person is or where the constable reasonably suspects him to be.
- (3) A constable may seize and retain anything if he reasonably suspects that it is, has been or is intended to be used in the commission of—

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- (a) a scheduled offence, or
- (b) a non-scheduled offence under this Act.

**Modifications etc. (not altering text)**

**C18** [S. 82\(3\)](#): powers of seizure extended (1.4.2003) by [2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 70](#); [S.I. 2003/708, art. 2](#)

**83 Arrest and seizure: armed forces.**

- (1) If a member of Her Majesty's forces on duty reasonably suspects that a person is committing, has committed or is about to commit any offence he may—
  - (a) arrest the person without warrant, and
  - (b) detain him for a period not exceeding four hours.
- (2) A person making an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is making the arrest as a member of Her Majesty's forces.
- (3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises where the person is.
- (4) If a member of Her Majesty's forces reasonably suspects that a person—
  - (a) is a terrorist (within the meaning of Part V), or
  - (b) has committed an offence involving the use or possession of an explosive or firearm,
 he may enter and search any premises where he reasonably suspects the person to be for the purpose of arresting him under this section.
- (5) A member of Her Majesty's forces may seize, and detain for a period not exceeding four hours, anything which he reasonably suspects is being, has been or is intended to be used in the commission of an offence under section 93 or 94.
- (6) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the <sup>M80</sup>Human Rights Act 1998.

**Marginal Citations**

**M80** [1998 c. 42](#).

**84 Munitions and transmitters.**

Schedule 10 (which confers power to search for munitions and transmitters) shall have effect.

**85 Explosives inspectors.**

- (1) An explosives inspector may enter and search any premises for the purpose of ascertaining whether any explosive is unlawfully there.
- (2) The power under subsection (1) may not be exercised in relation to a dwelling.

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- (3) An explosives inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive unlawfully with him.
- (4) An explosives inspector—
  - (a) may seize any explosive found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose, and
  - (b) may retain and, if necessary, destroy it.
- (5) In this section “explosives inspector” means an inspector appointed under section 53 of the <sup>M81</sup>Explosives Act 1875.

#### Marginal Citations

**M81** 1875 c. 17.

### 86 Unlawfully detained persons.

- (1) If an officer reasonably believes that a person is unlawfully detained in such circumstances that his life is in danger, the officer may enter any premises for the purpose of ascertaining whether the person is detained there.
- (2) In this section “officer” means—
  - (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.
- (3) A dwelling may be entered under subsection (1) only by—
  - (a) a member of Her Majesty’s forces authorised for the purpose by a commissioned officer of those forces, or
  - (b) a constable authorised for the purpose by an officer of the Royal Ulster Constabulary of at least the rank of inspector.

### 87 Examination of documents.

- (1) A member of Her Majesty’s forces or a constable who performs a search under a provision of this Part—
  - (a) may examine any document or record found in order to ascertain whether it contains information of the kind mentioned in section 58(1)(a) or 103(1)(a), and
  - (b) if necessary or expedient for the purpose of paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.
- (2) Subsection (1) shall not permit a person to examine a document or record if he has reasonable cause to believe that it is an item subject to legal privilege (within the meaning of the <sup>M82</sup>Police and Criminal Evidence (Northern Ireland) Order 1989).
- (3) Subject to subsections (4) and (5), a document or record may not be retained by virtue of subsection (1)(b) for more than 48 hours.

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- (4) An officer of the Royal Ulster Constabulary who is of at least the rank of chief inspector may authorise a constable to retain a document or record for a further period or periods.
- (5) Subsection (4) does not permit the retention of a document or record after the end of the period of 96 hours beginning with the time when it was removed for examination under subsection (1)(b).
- (6) A person who wilfully obstructs a member of Her Majesty's forces or a constable in the exercise of a power conferred by this section commits an offence.
- (7) A person guilty of an offence under subsection (6) shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

#### Marginal Citations

M82 [S.I. 1989/1341 \(N.I. 12\)](#).

## 88 Examination of documents: procedure.

- (1) Where a document or record is examined under section 87—
  - (a) it shall not be photographed or copied, and
  - (b) the person who examines it shall make a written record of the examination as soon as is reasonably practicable.
- (2) The record shall—
  - (a) describe the document or record,
  - (b) specify the object of the examination,
  - (c) state the address of the premises where the document or record was found,
  - (d) where the document or record was found in the course of a search of a person, state the person's name,
  - (e) where the document or record was found in the course of a search of any premises, state the name of a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found,
  - (f) where the document or record is removed for examination from the place where it was found, state the date and time when it was removed, and
  - (g) where the document or record was examined at the place where it was found, state the date and time of examination.
- (3) The record shall identify the person by whom the examination was carried out—
  - (a) in the case of a constable, by reference to his police number, and
  - (b) in the case of a member of Her Majesty's forces, by reference to his service number, rank and regiment.
- (4) Where a person makes a record of a search in accordance with this section, he shall as soon as is reasonably practicable supply a copy—



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- (a) in a case where the document or record was found in the course of a search of a person, to that person, and
- (b) in a case where the document or record was found in the course of a search of any premises, to a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found.

#### **89 Power to stop and question.**

- (1) An officer may stop a person for so long as is necessary to question him to ascertain—
  - (a) his identity and movements;
  - (b) what he knows about a recent explosion or another recent incident endangering life;
  - (c) what he knows about a person killed or injured in a recent explosion or incident.
- (2) A person commits an offence if he—
  - (a) fails to stop when required to do so under this section,
  - (b) refuses to answer a question addressed to him under this section, or
  - (c) fails to answer to the best of his knowledge and ability a question addressed to him under this section.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) In this section “officer” means—
  - (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.

#### **90 Power of entry.**

- (1) An officer may enter any premises if he considers it necessary in the course of operations for the preservation of the peace or the maintenance of order.
- (2) In this section “officer” means—
  - (a) a member of Her Majesty’s forces on duty, or
  - (b) a constable.

#### **91 Taking possession of land, &c.**

If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order, he may authorise a person—

- (a) to take possession of land or other property;
- (b) to take steps to place buildings or other structures in a state of defence;
- (c) to detain property or cause it to be destroyed or moved;
- (d) to carry out works on land of which possession has been taken by virtue of this section;
- (e) to take any other action which interferes with a public right or with a private right of property.

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## 92 Road closure: permission.

- (1) If he considers it immediately necessary for the preservation of the peace or the maintenance of order, an officer may—
- (a) wholly or partly close a road;
  - (b) divert or otherwise interfere with a road or the use of a road;
  - (c) prohibit or restrict the exercise of a right of way;
  - (d) prohibit or restrict the use of a waterway.
- (2) In this section “officer” means—
- (a) a member of Her Majesty’s forces on duty,
  - (b) a constable, or
  - (c) a person authorised for the purposes of this section by the Secretary of State.

## 93 Sections 91 and 92: supplementary.

- (1) A person commits an offence if he interferes with—
- (a) works executed in connection with the exercise of powers conferred by virtue of section 91 or 92, or
  - (b) any apparatus, equipment or other thing used in connection with the exercise of those powers.
- (2) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his interference.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (4) An authorisation to exercise powers under section 91 or 92 may authorise—
- (a) the exercise of all those powers, or
  - (b) the exercise of a specified power or class of powers.
- (5) An authorisation to exercise powers under section 91 or 92 may be addressed—
- (a) to specified persons, or
  - (b) to persons of a specified class.

### Modifications etc. (not altering text)

**C19** S. 93: power to continue conferred (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), ss. {4(2)(d)}, 5(3)

## 94 Road closure: direction.

- (1) If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order he may by order direct that a specified road—
- (a) shall be wholly closed,
  - (b) shall be closed to a specified extent, or

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- (c) shall be diverted in a specified manner.
- (2) A person commits an offence if he interferes with—
  - (a) road closure works, or
  - (b) road closure equipment.
- (3) A person commits an offence if—
  - (a) he executes any bypass works within 200 metres of road closure works,
  - (b) he has in his possession or under his control, within 200 metres of road closure works, materials or equipment suitable for executing bypass works, or
  - (c) he knowingly permits on land occupied by him the doing or occurrence of anything which is an offence under paragraph (a) or (b).
- (4) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action, possession, control or permission.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (6) In this section—
  - “bypass works” means works which facilitate the bypassing by vehicles of road closure works,
  - “road closure equipment” means any apparatus, equipment or other thing used in pursuance of an order under this section in connection with the closure or diversion of a road, and
  - “road closure works” means works executed in connection with the closure or diversion of a road specified in an order under this section (whether executed in pursuance of the order or in pursuance of power under an enactment to close or divert the road).

**95 Sections 81 to 94: supplementary.**

- (1) This section applies in relation to sections 81 to 94.
- (2) A power to enter premises may be exercised by reasonable force if necessary.
- (3) A power to search premises shall, in its application to vehicles (by virtue of section 121), be taken to include—
  - (a) power to stop a vehicle (other than an aircraft which is airborne), and
  - (b) power to take a vehicle or cause it to be taken, where necessary or expedient, to any place for the purpose of carrying out the search.
- (4) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or

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- (c) both.
- (6) In the application to a place or vehicle (by virtue of section 121) of a power to search premises—
- (a) a reference to the address of the premises shall be construed as a reference to the location of the place or vehicle together with its registration number (if any), and
  - (b) a reference to the occupier of the premises shall be construed as a reference to the occupier of the place or the person in charge of the vehicle.
- (7) Where a search is carried out under Schedule 10 in relation to a vehicle (by virtue of section 121), the person carrying out the search may, if he reasonably believes that it is necessary in order to carry out the search or to prevent it from being frustrated—
- (a) require a person in or on the vehicle to remain with it;
  - (b) require a person in or on the vehicle to go to and remain at any place to which the vehicle is taken by virtue of subsection (3)(b);
  - (c) use reasonable force to secure compliance with a requirement under paragraph (a) or (b) above.
- (8) Paragraphs 4(2) and (3), 8 and 9 of Schedule 10 shall apply to a requirement imposed under subsection (7) as they apply to a requirement imposed under that Schedule.
- (9) Paragraph 8 of Schedule 10 shall apply in relation to the search of a vehicle which is not habitually stationary only if it is moved for the purpose of the search by virtue of subsection (3)(b); and where that paragraph does apply, the reference to the address of the premises shall be construed as a reference to the location where the vehicle is searched together with its registration number (if any).
- (10) A member of Her Majesty's forces exercising any power when he is not in uniform shall, if requested to do so by any person at or about the time of exercising the power, produce to that person documentary evidence that he is a member of Her Majesty's Forces.

### *Miscellaneous*

VALID FROM 19/02/2001

#### **96 Preservation of the peace: regulations.**

- (1) The Secretary of State may by regulations make provision for promoting the preservation of the peace and the maintenance of order.
- (2) The regulations may authorise the Secretary of State to make orders or give directions for specified purposes.
- (3) A person commits an offence if he contravenes or fails to comply with—
  - (a) regulations under this section, or
  - (b) an order or direction made or given under regulations made under this section.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—

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- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

VALID FROM 19/02/2001

**97 Port and border controls.**

- (1) The Secretary of State may by order provide for members of Her Majesty's Forces to perform specified functions conferred on examining officers under Schedule 7.
- (2) A member of Her Majesty's Forces exercising functions by virtue of subsection (1) shall be treated as an examining officer within the meaning of Schedule 7 for all purposes of this Act except for paragraphs 5 and 6 of Schedule 14.
- (3) The Secretary of State may by order make provision, including provision supplementing or modifying Schedule 7, about entering or leaving Northern Ireland by land.

VALID FROM 19/02/2001

**98 Independent Assessor of Military Complaints Procedures.**

- (1) The Secretary of State may appoint a person to be known as the Independent Assessor of Military Complaints Procedures in Northern Ireland.
- (2) A person may be appointed as the Independent Assessor only if—
  - (a) he is not a serving member of Her Majesty's forces, and
  - (b) he has not been a serving member at any time during the period of 20 years ending with the date of the appointment.
- (3) The Independent Assessor—
  - (a) shall keep under review the procedures adopted by the General Officer Commanding Northern Ireland for receiving, investigating and responding to complaints to which this section applies,
  - (b) shall receive and investigate any representations about those procedures,
  - (c) may investigate the operation of those procedures in relation to a particular complaint or class of complaints,
  - (d) may require the General Officer Commanding to review a particular case or class of cases in which the Independent Assessor considers that any of those procedures have operated inadequately, and
  - (e) may make recommendations to the General Officer Commanding about inadequacies in those procedures, including inadequacies in the way in which they operate in relation to a particular complaint or class of complaints.
- (4) This section applies to complaints about the behaviour of a member of Her Majesty's forces under the command of the General Officer Commanding Northern Ireland, other than—

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- (a) a complaint which is referred by the General Officer Commanding to the Royal Ulster Constabulary and which is not remitted by the Royal Ulster Constabulary to the General Officer Commanding to be dealt with by him,
  - (b) a complaint about a matter in respect of which a claim for compensation has been made under Schedule 12, and
  - (c) a complaint about a matter which is the subject of proceedings involving a claim for compensation which have been instituted in a court.
- (5) The General Officer Commanding Northern Ireland shall—
- (a) provide such information,
  - (b) disclose such documents, and
  - (c) provide such assistance,
- as the Independent Assessor may reasonably require for the purpose of the performance of his functions.
- (6) Schedule 11 (which makes supplementary provision about the Independent Assessor) shall have effect.

#### **99 Police and army powers: code of practice.**

- (1) The Secretary of State may make codes of practice in connection with—
- (a) the exercise by police officers of any power conferred by this Act, and
  - (b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act.
- (2) The Secretary of State may make codes of practice in connection with the exercise by members of Her Majesty’s forces of powers by virtue of this Part.
- (3) In this section “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

#### **100 Video recording: code of practice.**

- (1) The Secretary of State shall—
- (a) make a code of practice about the silent video recording of interviews to which this section applies, and
  - (b) make an order requiring the silent video recording of interviews to which this section applies in accordance with the code.
- (2) This section applies to—
- (a) interviews by police officers of persons detained under section 41 if they take place in a police station (within the meaning of Schedule 8), and
  - (b) interviews held by police officers in such other circumstances as the Secretary of State may specify by order.
- (3) In this section “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

#### **101 Codes of practice: supplementary.**

- (1) This section applies to a code of practice under section 99 or 100.

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- (2) Where the Secretary of State proposes to issue a code of practice he shall—
  - (a) publish a draft,
  - (b) consider any representations made to him about the draft, and
  - (c) if he thinks it appropriate, modify the draft in the light of any representations made to him.
- (3) The Secretary of State shall lay a draft of the code before Parliament.
- (4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.
- (5) The Secretary of State may revise the whole or any part of a code of practice issued by him and issue the code as revised; and subsections (2) to (4) shall apply to such a revised code as they apply to an original code.
- (6) A failure by a police officer to comply with a provision of a code shall not of itself make him liable to criminal or civil proceedings.
- (7) A failure by a member of Her Majesty’s forces to comply with a provision of a code shall not of itself make him liable to any criminal or civil proceedings other than—
  - (a) proceedings under any provision of the <sup>M83</sup>Army Act 1955 or the <sup>M84</sup>Air Force Act 1955 other than section 70 (civil offences), and
  - (b) proceedings under any provision of the <sup>M85</sup>Naval Discipline Act 1957 other than section 42 (civil offences).
- (8) A code—
  - (a) shall be admissible in evidence in criminal or civil proceedings, and
  - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (9) In this section—

“criminal proceedings” includes proceedings in Northern Ireland before a court-martial constituted under the <sup>M86</sup>Army Act 1955, the <sup>M87</sup>Air Force Act 1955 or the <sup>M88</sup>Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the 1957 Act and proceedings in Northern Ireland before the Courts-Martial Appeal Court, and

“police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

#### Commencement Information

**I5** S. 101 wholly in force at 19.2.2001; s. 101 not in force at Royal Assent see s. 128; s. 101(1)-(5) in force at 12.10.2000 by S.I. 2000/2800, art. 2(b); s. 101(6)-(9) in force at 19.2.2001 by S.I. 2001/421, art. 2

#### Marginal Citations

**M83** 1955 c. 18.  
**M84** 1955 c. 19.  
**M85** 1957 c. 53.  
**M86** 1955 c. 18.  
**M87** 1955 c. 19.  
**M88** 1957 c. 53.



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VALID FROM 19/02/2001

## 102 Compensation.

Schedule 12 (which provides for compensation to be paid for certain action taken under this Part) shall have effect.

VALID FROM 19/02/2001

## 103 Terrorist information.

- (1) A person commits an offence if—
  - (a) he collects, makes a record of, publishes, communicates or attempts to elicit information about a person to whom this section applies which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) he possesses a document or record containing information of that kind.
- (2) This section applies to a person who is or has been—
  - (a) a constable,
  - (b) a member of Her Majesty’s Forces,
  - (c) the holder of a judicial office,
  - (d) an officer of any court, or
  - (e) a full-time employee of the prison service in Northern Ireland.
- (3) In this section “record” includes a photographic or electronic record.
- (4) If it is proved in proceedings for an offence under subsection (1)(b) that a document or record—
  - (a) was on any premises at the same time as the accused, or
  - (b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,
 the court may assume that the accused possessed the document or record, unless he proves that he did not know of its presence on the premises or that he had no control over it.
- (5) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.
- (6) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of any document or record containing information of the kind mentioned in subsection (1)(a).

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- (8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.
- (9) An order under subsection (8) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

VALID FROM 19/02/2001

**104 Police powers: records.**

The Chief Constable of the Royal Ulster Constabulary shall make arrangements for securing that a record is made of each exercise by a constable of a power under this Part in so far as—

- (a) it is reasonably practicable to do so, and
- (b) a record is not required to be made under another enactment.

VALID FROM 19/02/2001

**105 Powers.**

A power conferred on a person by virtue of this Part—

- (a) is additional to powers which he has at common law or by virtue of any other enactment, and
- (b) shall not be taken to affect those powers or Her Majesty's prerogative.

VALID FROM 19/02/2001

**106 Private security services.**

Schedule 13 (private security services) shall have effect.

VALID FROM 19/02/2001

*Specified organisations*

**107 Specified organisations: interpretation.**

For the purposes of sections 108 to 111 an organisation is specified at a particular time if at that time—

- (a) it is specified under section 3(8) of the <sup>M89</sup>Northern Ireland (Sentences) Act 1998, and

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- (b) it is, or forms part of, an organisation which is proscribed for the purposes of this Act.

#### Marginal Citations

M89 1998 c. 35.

### 108 Evidence.

- (1) This section applies where a person is charged with an offence under section 11.
- (2) Subsection (3) applies where a police officer of at least the rank of superintendent states in oral evidence that in his opinion the accused—
- (a) belongs to an organisation which is specified, or
  - (b) belonged to an organisation at a time when it was specified.
- (3) Where this subsection applies—
- (a) the statement shall be admissible as evidence of the matter stated, but
  - (b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the statement.
- (4) In this section “police officer” means a member of—
- (a) a police force within the meaning of the <sup>M90</sup>Police Act 1996 or the <sup>M91</sup>Police (Scotland) Act 1967, or
  - (b) the Royal Ulster Constabulary.

#### Marginal Citations

M90 1996 c. 16.

M91 1967 c. 77.

### 109 Inferences.

- (1) This section applies where a person is charged with an offence under section 11.
- (2) Subsection (4) applies where evidence is given that—
- (a) at any time before being charged with the offence the accused, on being questioned under caution by a constable, failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
  - (b) before being questioned the accused was permitted to consult a solicitor.
- (3) Subsection (4) also applies where evidence is given that—
- (a) on being charged with the offence or informed by a constable that he might be prosecuted for it the accused failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
  - (b) before being charged or informed the accused was permitted to consult a solicitor.
- (4) Where this subsection applies—

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- (a) the court, in considering any question whether the accused belongs or belonged at a particular time to a specified organisation, may draw from the failure inferences relating to that question, but
  - (b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the inferences.
- (5) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.

#### **110 Sections 108 and 109: supplementary.**

- (1) Nothing in section 108 or 109 shall—
- (a) prejudice the admissibility of evidence admissible apart from that section,
  - (b) preclude the drawing of inferences which could be drawn apart from that section, or
  - (c) prejudice an enactment providing (in whatever words) that an answer or evidence given by a person in specified circumstances is not admissible in evidence against him or some other person in any proceedings or class of proceedings (however described, and whether civil or criminal).
- (2) In subsection (1)(c) the reference to giving evidence is a reference to giving it in any manner (whether by giving information, making discovery, producing documents or otherwise).

#### **111 Forfeiture orders.**

- (1) This section applies if—
- (a) a person is convicted of an offence under section 11 or 12, and
  - (b) at the time of the offence he belonged to an organisation which was a specified organisation.
- (2) The court by or before which the person is convicted may order the forfeiture of any money or other property if—
- (a) he had it in his possession or under his control at the time of the offence, and
  - (b) it has been used in connection with the activities of the specified organisation or the court believes that it may be used in that connection unless it is forfeited.
- (3) Before making an order under this section the court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under this section.
- (4) A question arising as to whether subsection (1)(b) or (2)(a) or (b) is satisfied shall be determined on the balance of probabilities.
- (5) Schedule 4 shall apply (with the necessary modifications) in relation to orders under this section as it applies in relation to orders made under section 23.

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VALID FROM 19/02/2001

### *Duration of Part VII*

#### **112 Expiry and revival.**

- (1) This Part shall (subject to subsection (2)) cease to have effect at the end of the period of one year beginning with the day on which it is brought into force.
- (2) The Secretary of State may by order provide—
  - (a) that a provision of this Part which is in force (whether or not by virtue of this subsection) shall continue in force for a specified period not exceeding twelve months;
  - (b) that a provision of this Part shall cease to have effect;
  - (c) that a provision of this Part which is not in force (whether or not by virtue of this subsection) shall come into force and remain in force for a specified period not exceeding twelve months.
- (3) An order under subsection (2) may make provision with respect to a provision of this Part—
  - (a) generally,
  - (b) only in so far as it concerns powers of members of Her Majesty's Forces, or
  - (c) except in so far as it concerns powers of members of Her Majesty's Forces.
- (4) This Part shall, by virtue of this subsection, cease to have effect at the end of the period of five years beginning with the day on which it is brought into force.
- (5) The following provisions shall be treated for the purposes of this section as forming part of this Part of this Act—
  - (a) paragraphs 36 and 37 of Schedule 4, and
  - (b) paragraphs 19 to 21 of Schedule 5.

#### **113 Transitional provisions.**

- (1) Where a provision of sections 74 to 77 comes into force by virtue of an order under section 112(2), that shall not affect a trial on indictment where the indictment has been presented before the provision comes into force.
- (2) Where a provision of sections 74 to 77 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the application of the provision to a trial on indictment where the indictment has been presented before the provision ceases to have effect.
- (3) If when section 74(1) comes into force by virtue of an order under section 112(2) a person has been committed for trial for a scheduled offence and the indictment has not been presented, then on the coming into force of section 74(1) he shall, if he was committed to the Crown Court sitting elsewhere than in Belfast, be treated as having been committed—
  - (a) to the Crown Court sitting in Belfast, or
  - (b) where a direction is given under section 74(1) which affects the trial, to the Crown Court sitting at the place specified in the direction.

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- (4) Where section 74 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect—
  - (a) the committal of a person for trial in accordance with that provision to the Crown Court sitting either in Belfast or elsewhere, or
  - (b) the committal of a person for trial which, in accordance with that provision, has taken effect as a committal for trial to the Crown Court sitting elsewhere than in Belfast,in a case where the indictment has not been presented.
- (5) Where section 79 or 80 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the operation of the section in relation to an offence committed while it, or a corresponding earlier enactment, was in force.
- (6) Sections 108 and 109 shall not apply to a statement made or failure occurring before 4th September 1998.
- (7) Where section 108 or 109 comes into force by virtue of an order under section 112(2) it shall not apply to a statement made or failure occurring while the section was not in force.
- (8) Section 111 applies where an offence is committed on or after 4th September 1998; and for this purpose an offence committed over a period of more than one day or at some time during a period of more than one day shall be taken to be committed on the last of the days in the period.
- (9) Paragraph 19 of Schedule 9 shall have effect only in relation to an offence alleged to have been committed after the coming into force of that Schedule.

**Modifications etc. (not altering text)**

- C20** S. 113: power to continue conferred (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), ss. {4(2)(g)}, 5(3)

## PART VIII

### GENERAL

VALID FROM 19/02/2001

#### 114 Police powers.

- (1) A power conferred by virtue of this Act on a constable—
  - (a) is additional to powers which he has at common law or by virtue of any other enactment, and
  - (b) shall not be taken to affect those powers.
- (2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Act (apart from paragraphs 2 and 3 of Schedule 7).

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- (3) Where anything is seized by a constable under a power conferred by virtue of this Act, it may (unless the contrary intention appears) be retained for so long as is necessary in all the circumstances.

VALID FROM 19/02/2001

#### 115 Officers' powers.

Schedule 14 (which makes provision about the exercise of functions by authorised officers for the purposes of sections 25 to 31 and examining officers for the purposes of Schedule 7) shall have effect.

VALID FROM 19/02/2001

#### 116 Powers to stop and search.

- (1) A power to search premises conferred by virtue of this Act shall be taken to include power to search a container.
- (2) A power conferred by virtue of this Act to stop a person includes power to stop a vehicle (other than an aircraft which is airborne).
- (3) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

#### 117 Consent to prosecution.

- (1) This section applies to an offence under any provision of this Act other than an offence under—
  - (a) section 36,
  - (b) section 51,
  - (c) paragraph 18 of Schedule 7,
  - (d) paragraph 12 of Schedule 12, or
  - (e) Schedule 13.
- (2) Proceedings for an offence to which this section applies—
  - (a) shall not be instituted in England and Wales without the consent of the Director of Public Prosecutions, and
  - (b) shall not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.



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- (3) Where it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies is committed for a purpose connected with the affairs of a country other than the United Kingdom—
- (a) subsection (2) shall not apply, and
  - (b) proceedings for the offence shall not be instituted without the consent of the Attorney General or the <sup>F18</sup> Advocate General for Northern Ireland].

#### Textual Amendments

**F18** Words in s. 117(3)(b) substituted (*prosp.*) by 2002 c. 26, ss. 28, 87, **Sch. 7 para. 35**

### 118 Defences.

- (1) Subsection (2) applies where in accordance with a provision mentioned in subsection (5) it is a defence for a person charged with an offence to prove a particular matter.
- (2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (3) Subsection (4) applies where in accordance with a provision mentioned in subsection (5) a court—
  - (a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved, or
  - (b) may accept a fact as sufficient evidence unless a particular matter is proved.
- (4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in subsection (3)(a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.
- (5) The provisions in respect of which subsections (2) and (4) apply are—
  - (a) sections 12(4), 39(5)(a), 54, 57, 58, 77 and 103 of this Act, and
  - (b) sections 13, 32 and 33 of the <sup>M92</sup> Northern Ireland (Emergency Provisions) Act 1996 (possession and information offences) as they have effect by virtue of Schedule 1 to this Act.

#### Marginal Citations

**M92** 1996 c. 22.

VALID FROM 31/10/2000

### 119 Crown servants, regulators, &c.

- (1) The Secretary of State may make regulations providing for any of sections 15 to 23 and 39 to apply to persons in the public service of the Crown.

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- (2) The Secretary of State may make regulations providing for section 19 not to apply to persons who are in his opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.
- (3) Regulations—
- (a) may make different provision for different purposes,
  - (b) may make provision which is to apply only in specified circumstances, and
  - (c) may make provision which applies only to particular persons or to persons of a particular description.

VALID FROM 19/02/2001

## 120 Evidence.

- (1) A document which purports to be—
- (a) a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act, and
  - (b) signed by him or on his behalf,
- shall be received in evidence and shall, until the contrary is proved, be deemed to have been given or made by the Secretary of State.
- (2) A document bearing a certificate which—
- (a) purports to be signed by or on behalf of the Secretary of State, and
  - (b) states that the document is a true copy of a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act,
- shall be evidence (or, in Scotland, sufficient evidence) of the document in legal proceedings.
- (3) In subsections (1) and (2) a reference to an order does not include a reference to an order made by statutory instrument.
- (4) The <sup>M93</sup>Documentary Evidence Act 1868 shall apply to an authorisation given in writing by the Secretary of State for the purposes of this Act as it applies to an order made by him.

### Marginal Citations

**M93** 1868 c. 37.

VALID FROM 13/04/2006

## <sup>F19</sup>120A Supplemental powers of court in respect of forfeiture orders

- (1) Where court makes an order under section 54, 58 or 103 for the forfeiture of anything, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture.

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- (2) That provision may include, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.
- (3) Provision made by virtue of this section may be varied at any time by the court that made it.]

### Textual Amendments

**F19** S. 120A inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), s. 37(3); S.I. 2006/1013, art. 2

VALID FROM 19/02/2001

## 121 Interpretation.

In this Act—

“act” and “action” include omission,

“article” includes substance and any other thing,

“customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the <sup>M94</sup>Customs and Excise Management Act 1979,

“dwelling” means a building or part of a building used as a dwelling, and a vehicle which is habitually stationary and which is used as a dwelling,

“explosive” means—

- (a) an article or substance manufactured for the purpose of producing a practical effect by explosion,
- (b) materials for making an article or substance within paragraph (a),
- (c) anything used or intended to be used for causing or assisting in causing an explosion, and
- (d) a part of anything within paragraph (a) or (c),

“firearm” includes an air gun or air pistol,

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the <sup>M95</sup>Immigration Act 1971,

“the Islands” means the Channel Islands and the Isle of Man,

“organisation” includes any association or combination of persons,

“premises” includes any place and in particular includes—

- (a) a vehicle,
- (b) an offshore installation within the meaning given in section 44 of the <sup>M96</sup>Petroleum Act 1998, and
- (c) a tent or moveable structure,

“property” includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

“public place” means a place to which members of the public have or are permitted to have access, whether or not for payment,

“road” has the same meaning as in the <sup>M97</sup>Road Traffic Act 1988 (in relation to England and Wales), the <sup>M98</sup>Roads (Scotland) Act 1984 (in relation to Scotland)

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and the <sup>M99</sup>Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland), and includes part of a road, and “vehicle”, except in sections 48 to 52 and Schedule 7, includes an aircraft, hovercraft, train or vessel.

#### Marginal Citations

- M94** 1979 c. 2.  
**M95** 1971 c. 77.  
**M96** 1998 c. 17.  
**M97** 1988 c. 52.  
**M98** 1984 c. 54.  
**M99** S.I. 1997/276 (N.I. 2).

VALID FROM 19/02/2001

## 122 Index of defined expressions.

In this Act the expressions listed below are defined by the provisions specified.

<i>Expression</i>	<i>Interpretation provision</i>
Act	Section 121
Action	Section 121
Action taken for the purposes of terrorism	Section 1(5)
Article	Section 121
Authorised officer	Section 24(1)
Cash	Section 24(2)
Cordoned area	Section 33
Customs officer	Section 121
Dwelling	Section 121
Examining officer	Schedule 7, paragraph 1
Explosive	Section 121
Firearm	Section 121
Immigration officer	Section 121
The Islands	Section 121
Organisation	Section 121
Premises	Section 121
Property	Section 121
Proscribed organisation	Section 3(1)

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Public place	Section 121
Road	Section 121
Scheduled offence (in Part VII)	Section 65
Terrorism	Section 1
Terrorist (in Part V)	Section 40
Terrorist investigation	Section 32
Terrorist property	Section 14
Vehicle	Section 121
Vehicle (in sections 48 to 51)	Section 52

VALID FROM 31/10/2000

### 123 Orders and regulations.

- (1) An order or regulations made by the Secretary of State under this Act—
  - (a) shall be made by statutory instrument,
  - (b) may contain savings and transitional provisions, and
  - (c) may make different provision for different purposes.
- (2) Subject to subsection (3), an order or regulations under any of the following provisions shall be subject to annulment in pursuance of a resolution of either House of Parliament—
  - (a) section 4(3);
  - (b) section 24(2)(e);
  - (c) section 72;
  - (d) section 79(5);
  - (e) section 80(9);
  - (f) section 97(1) or (3);
  - (g) section 100(1)(b);
  - (h) section 119(1) or (2);
  - (i) paragraph 52(1)(a) or (b) of Schedule 4;
  - (j) paragraph 17(4) of Schedule 7;
  - (k) paragraph 3(1)(b) of Schedule 8;
  - (l) paragraph 19 of Schedule 8.
- (3) In the cases of—
  - (a) the first order to be made under paragraph 17(4) of Schedule 7, and
  - (b) the first order to be made under paragraph 19 of Schedule 8,the order shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (and subsection (2)(j) or (l) shall not apply).
- (4) An order or regulations under any of the following provisions shall not be made, subject to subsection (5), unless a draft has been laid before and approved by resolution of each House of Parliament—

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- (a) section 3(3);
  - (b) section 53(2);
  - (c) section 65(3);
  - (d) section 96;
  - (e) section 101(4);
  - (f) section 112(2);
  - (g) paragraph 2(2) of Schedule 1;
  - (h) paragraph 6(2) or 7(3) of Schedule 6;
  - (i) paragraph 16 of Schedule 7;
  - (j) paragraph 3(2) of Schedule 8;
  - (k) paragraph 4(4) of Schedule 8;
  - (l) paragraph 4(1)(e) of Schedule 14;
  - (m) paragraph 7(3) of Schedule 14.
- (5) An order or regulations under a provision mentioned in subsection (4), except for paragraph (b), may be made without a draft having been approved if the Secretary of State is of the opinion that it is necessary by reason of urgency; and the order—
- (a) shall contain a declaration of the Secretary of State’s opinion, and
  - (b) shall cease to have effect at the end of the period of 40 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House during that period.
- (6) For the purposes of subsection (5)—
- (a) a code of practice or revised code to which an order relates shall cease to have effect together with the order,
  - (b) an order’s ceasing to have effect shall be without prejudice to anything previously done or to the making of a new order (or the issue of a new code), and
  - (c) the period of 40 days shall be computed in accordance with section 7(1) of the <sup>M100</sup>Statutory Instruments Act 1946.
- (7) An order under paragraph 8(3) of Schedule 13 shall be laid before Parliament.
- (8) Subsection (1)(a) does not apply to an order made—
- (a) under section 94,
  - (b) by virtue of paragraph 36 of Schedule 4, or
  - (c) under or by virtue of any of paragraphs 19 to 21 of Schedule 5.
- (9) Subsections (1)(a) and (4)(d) do not apply to an order made under regulations made under section 96.

#### Marginal Citations

M100 1946 c. 36.

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VALID FROM 19/02/2001

**124 Directions.**

A direction given under this Act may be varied or revoked by a further direction.

VALID FROM 19/02/2001

**125 Amendments and repeals.**

- (1) Schedule 15 (consequential amendments) shall have effect.
- (2) The enactments listed in Schedule 16 are hereby repealed or revoked to the extent specified.

VALID FROM 19/02/2001

**126 Report to Parliament.**

The Secretary of State shall lay before both Houses of Parliament at least once in every 12 months a report on the working of this Act.

VALID FROM 19/02/2001

**127 Money.**

The following shall be paid out of money provided by Parliament—

- (a) any expenditure of a Minister of the Crown under or by virtue of this Act, and
- (b) any increase in the sums payable out of money provided by Parliament under any other enactment.

**128 Commencement.**

The preceding provisions of this Act, apart from sections 2(1)(b) and (2) and 118 and Schedule 1, shall come into force in accordance with provision made by the Secretary of State by order.

**Subordinate Legislation Made**

- P1** [S. 128](#) power partly exercised (10.10.2000): 12.10.2000 appointed for specified provisions by [S.I. 2000/2800](#), [art. 2](#)  
[S. 128](#) power partly exercised (27.10.2000): 31.10.2000 appointed for specified provisions by [S.I. 2000/2944](#), [art. 2](#)



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S. 128 power partly exercised: 19.2.2001 appointed for specified provisions by S.I. 2001/421, art. 2

## 129 Transitional provisions.

- (1) Where, immediately before the coming into force of section 2(1)(a), a person is being detained by virtue of a provision of the <sup>M101</sup>Prevention of Terrorism (Temporary Provisions) Act 1989—
  - (a) the provisions of that Act shall continue to apply to him, in place of the corresponding provisions of this Act, until his detention comes to an end, and
  - (b) nothing in paragraph 5 or 8 of Schedule 15 shall have effect in relation to him during his detention.
- (2) Where—
  - (a) a person is detained by virtue of a provision of the <sup>M102</sup>Northern Ireland (Emergency Provisions) Act 1996 (as continued in force by virtue of Schedule 1 to this Act), and
  - (b) the provision ceases to have effect,
 he shall be treated as lawfully detained under any corresponding provision of this Act.
- (3) Where this Act repeals and re-enacts a provision of—
  - (a) the <sup>M103</sup>Prevention of Terrorism (Temporary Provisions) Act 1989, or
  - (b) the <sup>M104</sup>Northern Ireland (Emergency Provisions) Act 1996,
 the repeal and re-enactment shall not, unless the contrary intention appears, affect the continuity of the law.
- (4) A reference in this Act or any other enactment or instrument to a provision of this Act shall (so far as the context permits) be taken to include a reference to a corresponding provision repealed by this Act.
- (5) The repeal by virtue of this Act of section 14 of the <sup>M105</sup>Northern Ireland (Emergency Provisions) Act 1996 (young persons convicted of scheduled offences) shall not affect its operation in relation to offences committed while it was in force.
- (6) Any document made, served or issued after the commencement of paragraph (a) or (b) of section 2(1) which contains a reference to an enactment repealed by that paragraph shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of this Act.
- (7) Any document made, served or issued after the commencement of this Act which contains a reference to a provision of this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of—
  - (a) the <sup>M106</sup>Prevention of Terrorism (Temporary Provisions) Act 1989, or
  - (b) the <sup>M107</sup>Northern Ireland (Emergency Provisions) Act 1996.
- (8) Section 117 shall apply to the institution of proceedings after commencement of that section whether the offence to which the proceedings relate (which may, by virtue of subsection (4) above, be an offence under a provision repealed by this Act) is alleged to have been committed before or after commencement of that section.

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#### Marginal Citations

- M101 1989 c. 4.
- M102 1996 c. 22.
- M103 1989 c. 4.
- M104 1996 c. 22.
- M105 1996 c. 22.
- M106 1989 c. 4.
- M107 1996 c. 22.

### 130 Extent.

- (1) Subject to subsections (2) to (6), this Act extends to the whole of the United Kingdom.
- (2) Section 59 shall extend to England and Wales only.
- (3) The following shall extend to Northern Ireland only—
  - (a) section 60, and
  - (b) Part VII.
- (4) Section 61 shall extend to Scotland only.
- (5) In Schedule 5—
  - (a) Part I shall extend to England and Wales and Northern Ireland only, and
  - (b) Part II shall extend to Scotland only.
- (6) The amendments and repeals in Schedules 15 and 16 shall have the same extent as the enactments to which they relate.

### 131 Short title.

This Act may be cited as the Terrorism Act 2000.

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