



Prevention of Terrorism (Temporary Provisions) Act 1974

1974 CHAPTER 56

PART II

EXCLUSION ORDERS

3 Orders to prevent terrorism

- (1) The Secretary of State may exercise the powers conferred on him by this Part of this Act in such way as appears to him expedient to prevent acts of terrorism (whether in Great Britain or elsewhere) designed to influence public opinion or Government policy with respect to affairs in Northern Ireland.
- (2) In deciding whether to exercise his powers under this section in relation to a person who is ordinarily resident in Great Britain, the Secretary of State shall have regard to the question whether that person's connection with any territory outside Great Britain is such as to make it appropriate that an order should be made against him under this section.
- (3) If the Secretary of State is satisfied that—
 - (a) any person (whether in Great Britain or elsewhere) is concerned in the commission, preparation or instigation of acts of terrorism, or
 - (b) any person is attempting or may attempt to enter Great Britain with a view to being concerned in the commission, preparation or instigation of acts of terrorism,the Secretary of State may make an order against that person prohibiting him from being in, or entering, Great Britain.
- (4) An order shall not be made under this section against a person who is a citizen of the United Kingdom and Colonies and who—
 - (a) is at the time ordinarily resident in Great Britain, and has then been ordinarily resident in Great Britain throughout the last 20 years, or

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- (b) was born in Great Britain and has, throughout his life, been ordinarily resident in Great Britain.

Paragraph (a) shall be construed in accordance with Schedule 2 to this Act.

- (5) When any question arises under this Act whether or not a person is exempted by subsection (4) above, it shall lie on the person asserting it to prove that he is.
- (6) An order made under the preceding provisions of this section is referred to in this Act as an " exclusion order ".
- (7) An exclusion order may be revoked at any time by a further order made by the Secretary of State.
- (8) If—
 - (a) a person subject to an exclusion order fails to comply with the order at a time after he has been served with notice of the making of the order, or
 - (b) a person is knowingly concerned in arrangements for securing or facilitating the entry into Great Britain of a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order, or
 - (c) a person knowingly harbours a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order,
 he shall be liable—
 - (i) on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £400, or both, and
 - (ii) on conviction on indictment to imprisonment for a term not exceeding five years, or to a fine, or both.

4 Right to make representations to Secretary of State

- (1) As soon as may be after the making of an exclusion order, notice of the making of the order shall be served on the person against whom it is made, and the notice shall—
 - (a) set out the rights of representation afforded to him by this section, and
 - (b) specify the manner in which those representations are to be made.
- (2) Subsection (1) above shall not impose an obligation to take any steps to serve a notice on a person at a time when he is outside Great Britain.
- (3) If the person served with notice objects to the order, he may within 48 hours of service of the notice make representations in writing to the Secretary of State setting out the grounds of his objection.
- (4) Where representations are duly made under this section, the Secretary of State shall, unless he considers the grounds to be frivolous, refer the matter for the advice of one or more persons nominated by him.
- (5) After receiving the objection and the report of the person or persons so nominated, the Secretary of State shall, as soon as may be, reconsider the case.
- (6) Where representations are duly made under this section the Secretary of State shall, if it is reasonably practicable, notify the person against whom the order was made of any decision he takes as to whether or not to revoke the order.

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5 Powers of removal

Where any person is subject to an exclusion order and notice of the order has been served on him, the Secretary of State may have that person removed from Great Britain if—

- (a) he consents, or
- (b) no representations have been duly made by him under section 4 above, or
- (c) where such representations have been duly made by him, he has been notified of the Secretary of State's decision not to revoke the order.

6 Exclusion orders against persons who are not citizens of the United Kingdom and Colonies

- (1) Where an exclusion order is made against a person who is not a citizen of the United Kingdom and Colonies it shall be an order prohibiting that person from being in, or entering, the United Kingdom.
- (2) In relation to a person who is not a citizen of the United Kingdom and Colonies—
 - (a) the last reference to Great Britain in section 3(2) and (3) above, and the reference to Great Britain in section 5 above, shall be construed as references to the United Kingdom, and
 - (b) the reference in section 3(8)(b) above to Great Britain shall be construed as including a reference to Northern Ireland,but this subsection has effect subject to any order under the following provisions of this section.
- (3) The Secretary of State may by order provide that, in relation to a person who is not a citizen of the United Kingdom and Colonies, the provisions of sections 3, 4 and 5 of this Act shall have effect subject to such exceptions, adaptations or modifications as may be specified in the order.
- (4) An order under this section—
 - (a) may make different provision for different cases, and in particular provision distinguishing between presence or residence in Great Britain and presence or residence in Northern Ireland,
 - (b) may exclude all or any of the provisions of subsection(2) above in all or any cases,
 - (c) may include such supplemental or incidental provisions as appear to the Secretary of State expedient.