



Prevention of Terrorism (Temporary Provisions) Act 1974

1974 CHAPTER 56

PART III

GENERAL AND MISCELLANEOUS

7 Powers of arrest and detention

- (1) A constable may arrest without warrant a person whom he reasonably suspects to be—
- a person guilty of an offence under section 1 or 3 of this Act;
 - a person concerned in the commission, preparation or instigation of acts of terrorism ;
 - a person subject to an exclusion order.

- (2) A person arrested under this section shall not be detained in right of the arrest for more than 48 hours after his arrest:

Provided that the Secretary of State may, in any particular case, extend the period of 48 hours by a further period not exceeding 5 days.

- (3) The following provisions (requirement to bring arrested person before a court after his arrest) shall not apply to a person detained in right of the arrest.

The said provisions are—

Section 38 of the Magistrates' Courts Act 1952,
Section 29 of the Children and Young Persons Act 1969,
Section 20(3) of the Summary Jurisdiction (Scotland) Act 1954,
Section 132 of the Magistrates' Courts Act (Northern Ireland) 1964, and
Section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968.

- (4) In Scotland section 10(1) of the Summary Jurisdiction (Scotland) Act 1954 (chief constable may in certain cases accept bail) shall not apply to a person detained in right of an arrest under this section.

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- (5) The provisions of this section are without prejudice to the power of arrest under section 2 of the Criminal Law Act 1967, section 2 of the Criminal Law Act (Northern Ireland) 1967 and section 10 of the Northern Ireland (Emergency Provisions) Act 1973.

8 Control of entry and procedure for removal

- (1) The Secretary of State may by order provide for—
- (a) the examination of persons arriving in, or leaving, Great Britain or Northern Ireland, with a view to determining—
 - (i) whether any such person appears to be a person concerned in the commission, preparation or instigation of acts of terrorism, or
 - (ii) whether any such person is subject to an exclusion order, or
 - (iii) whether there are grounds for suspecting that any such person has committed an offence under section 3(8) of this Act,
 - (b) the arrest and detention of persons subject to exclusion orders, pending their removal pursuant to section 5 above, and
 - (c) arrangements for the removal of persons pursuant to section 5 above.
- (2) An order under this section may confer powers on examining officers (appointed in accordance with paragraph 1 (2) of Schedule 3 to this Act), including—
- (a) the power of arresting and detaining any person pending—
 - (i) his examination,
 - (ii) the taking of a decision by the Secretary of State as to whether or not to make an exclusion order against him, or
 - (iii) his removal pursuant to section 5 above,
 - (b) the power of searching persons, of boarding ships or aircraft, of searching in ships or aircraft, or elsewhere and of detaining articles—
 - (i) for use in connection with the taking of a decision by the Secretary of State as to whether or not to make an exclusion order ; or
 - (ii) for use as evidence in criminal proceedings.

9 Supplemental provisions

- (1) In this Act, unless the context otherwise requires—
- " aircraft " includes hovercraft,
 - " captain " means master (of a ship) or commander (of an aircraft),
 - " exclusion order " has the meaning given by section 3(6) of this Act,
 - " port " includes airport and hoverport,
 - " ship " includes every description of vessel used in navigation,
 - " terrorism " means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.
- (2) The powers conferred by Part II and section 8 of this Act shall be exercisable notwithstanding the rights conferred by section 1 of the Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).
- (3) Any reference in a provision of this Act to a person's being concerned in the commission, preparation or instigation of acts of terrorism shall be taken to include a

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reference to his being so concerned at any time before the coming into force of that provision.

- (4) The provisions of Schedule 3 to this Act shall have effect for supplementing sections 1 to 8 of this Act.
- (5) Any power to make an order conferred by section 1, 6, 8 or 12 of this Act shall be exercisable by statutory instrument and shall include power to vary or revoke any order so made.
- (6) An order made under section 6 or 8 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No order under section 1 or 12 of this Act shall be made unless—
 - (a) a draft of the order has been approved by resolution of each House of Parliament, or
 - (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.
- (8) Every order under section 1 or 12 of this Act (except such an order of which a draft has been so approved)—
 - (a) shall be laid before Parliament, and
 - (b) shall cease to have effect at the expiration of a period of 40 days beginning with the date on which it was made unless, before the expiration of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order. In reckoning for the purposes of this subsection any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

10 Financial provisions

Any expenses incurred by the Secretary of State under, or by virtue of, this Act shall be paid out of money provided by Parliament.

11 Power to extend to Channel Islands and Isle of Man

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands and the Isle of Man.
- (2) An Order in Council under this section may be varied or revoked by a further Order in Council.

12 Duration, expiry and revival of Act

- (1) Sections 1 to 8 of this Act shall remain in force until the expiry of the period of six months beginning with the passing of this Act and shall then expire unless continued in force by an order under this section.
- (2) The Secretary of State may by order provide—
 - (a) that all or any of the provisions of those sections which are for the time being in force (including any in force by virtue of an order under this section) shall

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continue in force for a period not exceeding six months from the coming into operation of the order ;

- (b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or
 - (c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.
- (3) On the expiration of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if that provision of this Act was then repealed by another Act.

13 Short title and extent

- (1) This Act may be cited as the Prevention of Terrorism (Temporary Provisions) Act 1974.
- (2) Part I of this Act shall not extend to Northern Ireland.