



Prevention of Terrorism (Temporary Provisions) Act 1989 (repealed)

1989 CHAPTER 4

PART V

INFORMATION, PROCEEDINGS AND INTERPRETATION

17 Investigation of terrorist activities.

- (1) Schedule 7 to this Act shall have effect for conferring powers to obtain information for the purposes of terrorist investigations, that is to say—
- (a) investigations into—
 - (i) the commission, preparation or instigation of acts of terrorism to which section 14 above applies; or
 - (ii) any other act which appears to have been done in furtherance of or in connection with such acts of terrorism, including any act which appears to constitute an offence under section 2, 9, 10 or 11 above or section 21 of the ^{M1}Northern Ireland (Emergency Provisions) Act 1978; or
 - (iii) without prejudice to sub-paragraph (ii) above, the resources of a proscribed organisation within the meaning of this Act or a proscribed organisation for the purposes of section 21 of the said Act of 1978; and
 - (b) investigations into whether there are grounds justifying the making of an order under section 1(2)(a) above or section 21(4) of that Act.
- (2) Where in relation to a terrorist investigation a warrant or order under Schedule 7 to this Act has been issued or made or has been applied for and not refused, a person is guilty of an offence if, knowing or having reasonable cause to suspect that the investigation is taking place, he—
- (a) makes any disclosure which is likely to prejudice the investigation; or

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- (b) falsifies, conceals or destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, material which is or is likely to be relevant to the investigation.
- (3) In proceedings against a person for an offence under subsection (2)(a) above it is a defence to prove—
 - (a) that he did not know and had no reasonable cause to suspect that the disclosure was likely to prejudice the investigation; or
 - (b) that he had lawful authority or reasonable excuse for making the disclosure.
- (4) In proceedings against a person for an offence under subsection (2)(b) above it is a defence to prove that he had no intention of concealing any information contained in the material in question from the persons carrying out the investigation.
- (5) A person guilty of an offence under subsection (2) above is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

Marginal Citations

M1 1978 c. 5.

18 Information about acts of terrorism.

- (1) A person is guilty of an offence if he has information which he knows or believes might be of material assistance—
 - (a) in preventing the commission by any other person of an act of terrorism connected with the affairs of Northern Ireland; or
 - (b) in securing the apprehension, prosecution or conviction of any other person for an offence involving the commission, preparation or instigation of such an act,
 and fails without reasonable excuse to disclose that information as soon as reasonably practicable—
 - (i) in England and Wales, to a constable;
 - (ii) in Scotland, to a constable or the procurator fiscal; or
 - (iii) in Northern Ireland, to a constable or a member of Her Majesty's Forces.
- (2) 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 a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (3) 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) above.

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Modifications etc. (not altering text)

- C1** S. 18 restricted (27.2.1997) by 1997 c. 7, s. 4(1), **Sch. para. 9(b)** (with s. 11(2))
S. 18 restricted (28.7.1998) by 1998 c. 35, **s. 14(2)(a)**; S.I. 1998/1858, **art. 2**

VALID FROM 01/04/1994

[^{F1}18A Failure to disclose knowledge or suspicion of offences under sections 9 to 11.

- (1) A person is guilty of an offence if—
 - (a) he knows, or suspects, that another person is providing financial assistance for terrorism;
 - (b) the information, or other matter, on which that knowledge or suspicion is based came to his attention in the course of his trade, profession, business or employment; and
 - (c) he does not disclose the information or other matter to a constable as soon as is reasonably practicable after it comes to his attention.
- (2) Subsection (1) above does not make it an offence for a professional legal adviser to fail to disclose any information or other matter which has come to him in privileged circumstances.
- (3) It is a defence to a charge of committing an offence under this section that the person charged had a reasonable excuse for not disclosing the information or other matter in question.
- (4) Where a person discloses to a constable—
 - (a) his suspicion or belief that another person is providing financial assistance for terrorism; or
 - (b) any information or other matter on which that suspicion or belief is based;the disclosure shall not be treated as a breach of any restriction imposed by statute or otherwise.
- (5) Without prejudice to subsection (3) or (4) above, in the case of a person who was in employment at the relevant time, it is a defence to a charge of committing an offence under this section that he disclosed the information or other matter in question to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.
- (6) A disclosure to which subsection (5) above applies shall not be treated as a breach of any restriction imposed by statute or otherwise.
- (7) In this section “providing financial assistance for terrorism” means doing any act which constitutes an offence under section 9, 10 or 11 above or, in the case of an act done otherwise than in the United Kingdom, which would constitute such an offence if done in the United Kingdom.
- (8) For the purposes of subsection (7) above, having possession of any property shall be taken to be doing an act in relation to it.

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- (9) For the purposes of this section, any 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 any person—
 - (i) in contemplation of, or in connection with, legal proceedings; and
 - (ii) for the purpose of those proceedings.
- (10) No information or other matter shall be treated as coming to a professional legal adviser in privileged circumstances if it is communicated or given with a view to furthering any criminal purpose.
- (11) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or to both.]

Textual Amendments

F1 S. 18A inserted (1.4.1994) by 1993 c. 36, s. 51; S.I. 1994/700, arts. 2, 3, Sch.

Modifications etc. (not altering text)

C2 S. 18A applied (1.8.1994) by S.I. 1994/1758, reg. 3
 S. 18A excluded (1.8.1994) by S.I. 1994/1758, reg. 4(1)(3)

19 Prosecutions and evidence.

- (1) Proceedings shall not be instituted—
- (a) in England and Wales for an offence under section 2, 3, 8, 9, 10, 11, 17 or 18 above or Schedule 7 to this Act except by or with the consent of the Attorney General; or
 - (b) in Northern Ireland for an offence under section 8, 9, 10, 11, 17 or 18 above or Schedule 7 to this Act except by or with the consent of the Attorney General for Northern Ireland.
- (2) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of any provision of this Act and to be signed by him or on his behalf shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or given by him.
- (3) A document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of such an order, notice or direction shall, in any legal proceedings, be evidence, and in Scotland sufficient evidence, of the order, notice or direction.

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VALID FROM 01/04/1994

[^{F2}19A Extension of certain offences to Crown servants and exemptions for regulators etc.

- (1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, sections 9 to 11, 17 and 18A above shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.
- (2) Section 18A of this Act shall not apply to—
 - (a) any person designated by regulations made by the Secretary of State for the purpose of this paragraph; or
 - (b) in such circumstances as may be prescribed, any person who falls within such category of person as may be prescribed for the purpose of this paragraph.
- (3) The Secretary of State may designate, for the purpose of paragraph (a) of subsection (2) above, any person appearing to him to be performing regulatory, supervisory, investigative or registration functions.
- (4) The categories of person prescribed by the Secretary of State, for the purpose of paragraph (b) of subsection (2) above, shall be such categories of person connected with the performance by any designated person of regulatory, supervisory, investigative or registration functions as he considers it appropriate to prescribe.
- (5) In this section—

“the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and

“prescribed” means prescribed by regulations made by the Secretary of State.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument.
- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F2 S. 19A inserted (1.4.1994) by 1993 c. 36, s. 77, **Sch. 4 para. 4**; S.I. 1994/700, arts. 2, 3, **Sch.**

20 Interpretation.

- (1) In this Act—

“aircraft” includes hovercraft;

“captain” means master of a ship or commander of an aircraft;]^{F3}

“Concessionaires” has the same meaning as in the Channel Tunnel Act 1987;]

“examining officer” has the meaning given in paragraph 1 of Schedule 5 to this Act;

“exclusion order” has the meaning given by section 4(3) above but subject to section 25(3) below;

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- “the Islands” means the Channel Islands or the Isle of Man;
- “port” includes airport and hoverport;
- “premises” includes any place and in particular includes—
- (a) any vehicle, vessel or aircraft;
 - (b) any offshore installation as defined in section 1 of the ^{M2}Mineral Workings (Offshore Installations) Act 1971; and
 - (c) any 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;
 - “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; ^{F4} “the tunnel system” has the same meaning as in the Channel Tunnel Act 1987;]
 - “vehicle” includes a train and carriages forming part of a train.
- (2) A constable or examining officer may, if necessary, use reasonable force for the purpose of exercising any powers conferred on him under or by virtue of any provision of this Act other than paragraph 2 of Schedule 5; but this subsection is without prejudice to any provision of this Act, or of any instrument made under it, which implies that a person may use reasonable force in connection with that provision.
- (3) The powers conferred by Part II and section 16 of, and Schedules 2 and 5 to, this Act shall be exercisable notwithstanding the rights conferred by section 1 of the ^{M3}Immigration Act 1971 (general principles regulating entry into and stay in the United Kingdom).
- (4) Any reference in a provision of this Act to a person having been concerned in the commission, preparation or instigation of acts of terrorism shall be taken to be a reference to his having been so concerned at any time, whether before or after the passing of this Act.

Textual Amendments

F3 Definition inserted by S.I. 1990/2227, art. 4 Sch. 2 para. 1(a)

F4 Definition inserted by S.I. 1990/2227, art. 4, Sch. 2 para. 1(b)

Marginal Citations

M2 1971 c. 61.

M3 1971 c. 77.

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