



# Terrorism Act 2000

## 2000 CHAPTER 11

### 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 <sup>F1</sup>or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act].

#### **Textual Amendments**

**F1** Words in s. 32(e) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), s. 37(1); S.I. 2006/1013, art. 2

##### *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.

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*Status: Point in time view as at 16/02/2009.*

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- (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 [<sup>F2</sup>subsections (1A), (1B) and (2)], a designation under section 33 may only be made—
  - (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.

[<sup>F3</sup>[<sup>F4</sup>(1A) A designation under section 33 may be made in relation to an area (outside Northern Ireland) which is in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act, by a member of the British Transport Police Force who is of at least the rank of superintendent.]

- (1B) A designation under section 33 may be made by a member of the Ministry of Defence Police who is of at least the rank of superintendent in relation to an area outside or in Northern Ireland—
  - (a) if it is a place to which subsection (2) of section 2 of the Ministry of Defence Police Act 1987 (c. 4) applies,
  - (b) if a request has been made under paragraph (a), (b) or (d) of subsection (3A) of that section in relation to a terrorist investigation and it is a place where he has the powers and privileges of a constable by virtue of that subsection as a result of the request, or

[<sup>F5</sup>(c) if a request has been made under paragraph (c) of that subsection in relation to a terrorist investigation and it is a place described in subsection 1A of this section.]

- (1C) But a designation under section 33 may not be made by—
  - (a) a member of the British Transport Police Force, or
  - (b) a member of the Ministry of Defence Police,
 in any other case.]
- (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

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- (b) shall, if he cancels the designation, make a written record of the cancellation and the reason for it.

#### Textual Amendments

- F2** Words in s. 34(1) substituted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 30(2)**  
**F3** S. 34(1A)-(1C) inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 30(3)**  
**F4** S. 34(1A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(a)**  
**F5** S. 34(1B)(c) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(b)**

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

- C1** S. 34 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

### 35 Duration.

- (1) A designation under section 33 has effect, subject to subsections (2) to (5), during the period—
- beginning at the time when it is made, and
  - 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—
- the person who made it, or
  - 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—
- order a person in a cordoned area to leave it immediately;
  - order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;
  - order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
  - arrange for the removal of a vehicle from a cordoned area;
  - arrange for the movement of a vehicle within a cordoned area;
  - prohibit or restrict access to a cordoned area by pedestrians or vehicles.
- (2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).

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- (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)**

- C2** 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)**
- C3** 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.

**[<sup>F6</sup>38A Account monitoring orders**

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

**Textual Amendments**

- F6** 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)**

**[<sup>F7</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—
- (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

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- (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

F7 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 [F821B][F9 or 38B].
- (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—
  - (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.

[F10(6A) Subsections (2) and (4) do not apply if—

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- (a) the disclosure is of a matter within section 21D(2) or (3)(a) (terrorist property: tipping off), and
  - (b) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.]
- (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.
- [<sup>F11</sup>(9) The reference in subsection (6A) to a business in the regulated sector is to be construed in accordance with Schedule 3A.]

#### Textual Amendments

- F8** Word in s. 39(3) substituted (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. 6\(2\)](#)
- F9** Words in s. 39(3) inserted (14.12.2001) by 2001 c. 24, [s. 117\(3\)](#)
- F10** S. 39(6A) 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. 6\(3\)](#)
- F11** S. 39(9) 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. 6\(4\)](#)

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

- C4** S. 39 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

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