



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Proscription of terrorist organisations*

## 21 Grounds of proscription

In section 3 of the Terrorism Act 2000 (c. 11) (proscription of organisations), after subsection (5) insert—

“(5A) The cases in which an organisation promotes or encourages terrorism for the purposes of subsection (5)(c) include any case in which activities of the organisation—

- (a) include the unlawful glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism; or
- (b) are carried out in a manner that ensures that the organisation is associated with statements containing any such glorification.

(5B) The glorification of any conduct is unlawful for the purposes of subsection (5A) if there are persons who may become aware of it who could reasonably be expected to infer that what is being glorified, is being glorified as—

- (a) conduct that should be emulated in existing circumstances, or
- (b) conduct that is illustrative of a type of conduct that should be so emulated.

(5C) In this section—

‘glorification’ includes any form of praise or celebration, and cognate expressions are to be construed accordingly;

‘statement’ includes a communication without words consisting of sounds or images or both.”

*Status: Point in time view as at 03/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 2. (See end of Document for details)*

### Commencement Information

**II** S. 21 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

## 22 Name changes by proscribed organisations

- (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 3 (proscription of organisations), at the end insert—
  - “(6) Where the Secretary of State believes—
    - (a) that an organisation listed in Schedule 2 is operating wholly or partly under a name that is not specified in that Schedule (whether as well as or instead of under the specified name), or
    - (b) that an organisation that is operating under a name that is not so specified is otherwise for all practical purposes the same as an organisation so listed,
 he may, by order, provide that the name that is not specified in that Schedule is to be treated as another name for the listed organisation.
  - (7) Where an order under subsection (6) provides for a name to be treated as another name for an organisation, this Act shall have effect in relation to acts occurring while—
    - (a) the order is in force, and
    - (b) the organisation continues to be listed in Schedule 2,
 as if the organisation were listed in that Schedule under the other name, as well as under the name specified in the Schedule.
  - (8) The Secretary of State may at any time by order revoke an order under subsection (6) or otherwise provide for a name specified in such an order to cease to be treated as a name for a particular organisation.
  - (9) Nothing in subsections (6) to (8) prevents any liability from being established in any proceedings by proof that an organisation is the same as an organisation listed in Schedule 2, even though it is or was operating under a name specified neither in Schedule 2 nor in an order under subsection (6).”
- (3) For subsection (1) of section 4 (applications for deproscription) substitute—
  - “(1) An application may be made to the Secretary of State for an order under section 3(3) or (8)—
    - (a) removing an organisation from Schedule 2, or
    - (b) providing for a name to cease to be treated as a name for an organisation listed in that Schedule.”
- (4) In subsection (2)(b) of that section (applications may be made by persons affected by the organisation’s proscription), after “proscription” insert “ or by the treatment of the name as a name for the organisation. ”
- (5) In section 5 (appeals against refusals to deproscribe)—
  - (a) in subsection (3), after “an organisation” insert “ or to provide for a name to cease to be treated as a name for an organisation ”;
  - (b) in subsection (4), omit “by or in respect of an organisation”;

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- (c) in subsection (5), after “subsection (4)” insert “ in respect of an appeal against a refusal to deproscribe an organisation,”.
- (6) After subsection (5) of that section insert—
- “(5A) Where an order is made under subsection (4) in respect of an appeal against a refusal to provide for a name to cease to be treated as a name for an organisation, the Secretary of State shall, as soon as is reasonably practicable, make an order under section 3(8) providing that the name in question is to cease to be so treated in relation to that organisation.”
- (7) In section 7 (effect on conviction etc. of successful appeal), after subsection (1) insert—
- “(1A) This section also applies where—
- (a) an appeal under section 5 has been allowed in respect of a name treated as the name for an organisation,
  - (b) an order has been made under section 3(8) in respect of the name in accordance with an order of the Commission under section 5(4),
  - (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
  - (d) the activity to which the charge referred took place on or after the date of the refusal, against which the appeal under section 5 was brought, to provide for a name to cease to be treated as a name for the organisation.”
- (8) In that section—
- (a) in subsection (2), after “(1)(c)” insert “ or (1A)(c) ”;
  - (b) in subsection (4)(a), after “(1)(b)” insert “ or (1A)(b) ”;
  - (c) in subsection (5), after “(1)(c)” insert “ or (1A)(c) ”;
  - (d) in subsection (7)(a), after “(1)(b)” insert “ or (1A)(b) ”.
- (9) In section 9 (proceedings under the Human Rights Act 1998)—
- (a) in subsection (2)(a), for “and (5)” substitute “, (5) and (5A) ”;
  - (b) in subsection (4), at the end insert “, and
  - (c) a reference to a refusal to provide for a name to cease to be treated as a name for an organisation shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right”.
- (10) In section 123(2) (orders and regulations subject to negative resolution procedure), before paragraph (a) insert—
- “(za) section 3(6) or (8);”.
- (11) In paragraph 5(4) of Schedule 3 (the Proscribed Organisations Appeal Commission), after sub-paragraph (a) insert—
- “(aa) provide for full particulars of the reasons for—
- (i) the making of an order under section 3(6), or
  - (ii) a refusal to provide for a name to cease to be treated as a name for an organisation,
- to be withheld from the organisation or applicant concerned and from any person representing it or him;”.

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### Commencement Information

**I2** S. 22 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

## *Detention of terrorist suspects*

### **23 Extension of period of detention of terrorist suspects**

- (1) Schedule 8 to the Terrorism Act 2000 (c. 11) (detention of terrorist suspects) is amended as follows.
- (2) In sub-paragraph (1) of each of paragraphs 29 and 36 (applications by a superintendent or above for a warrant extending detention or for the extension of the period of such a warrant), for the words from the beginning to “may” substitute—
  - “(1) Each of the following—
    - (a) in England and Wales, a Crown Prosecutor,
    - (b) in Scotland, the Lord Advocate or a procurator fiscal,
    - (c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,
    - (d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,
 may”.
- (3) In sub-paragraph (3) of paragraph 29 (period of extension to end no later than 7 days after arrest)—
  - (a) for “Subject to paragraph 36(3A)” substitute “ Subject to sub-paragraph (3A) and paragraph 36 ”; and
  - (b) for “end not later than the end of” substitute “ be ”.
- (4) After that sub-paragraph insert—
 

“(3A) A judicial authority may issue a warrant of further detention in relation to a person which specifies a shorter period as the period for which that person's further detention is authorised if—

  - (a) the application for the warrant is an application for a warrant specifying a shorter period; or
  - (b) the judicial authority is satisfied that there are circumstances that would make it inappropriate for the specified period to be as long as the period of seven days mentioned in sub-paragraph (3).”
- (5) In paragraph 34(1) (persons who can apply for information to be withheld from person to whom application for a warrant relates) for “officer” substitute “ person ”.
- (6) In paragraph 36(applications for extension or further extension), omit the words “to a judicial authority” in sub-paragraph (1), and after that sub-paragraph insert—
 

“(1A) The person to whom an application under sub-paragraph (1) may be made is—

  - (a) in the case of an application falling within sub-paragraph (1B), a judicial authority; and
  - (b) in any other case, a senior judge.

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- (1B) An application for the extension or further extension of a period falls within this sub-paragraph if—
- (a) the grant of the application otherwise than in accordance with sub-paragraph (3AA)(b) would extend that period to a time that is no more than fourteen days after the relevant time; and
  - (b) no application has previously been made to a senior judge in respect of that period.”
- (7) For sub-paragraphs (3) and (3A) of that paragraph (period for which warrants may be extended) substitute—
- “(3) Subject to sub-paragraph (3AA), the period by which the specified period is extended or further extended shall be the period which—
- (a) begins with the time specified in sub-paragraph (3A); and
  - (b) ends with whichever is the earlier of—
    - (i) the end of the period of seven days beginning with that time; and
    - (ii) the end of the period of 28 days beginning with the relevant time.
- (3A) The time referred to in sub-paragraph (3)(a) is—
- (a) in the case of a warrant specifying a period which has not previously been extended under this paragraph, the end of the period specified in the warrant, and
  - (b) in any other case, the end of the period for which the period specified in the warrant was last extended under this paragraph.
- (3AA) A judicial authority or senior judge may extend or further extend the period specified in a warrant by a shorter period than is required by sub-paragraph (3) if—
- (a) the application for the extension is an application for an extension by a period that is shorter than is so required; or
  - (b) the judicial authority or senior judge is satisfied that there are circumstances that would make it inappropriate for the period of the extension to be as long as the period so required.”

<sup>F1</sup>(8) .....

<sup>F1</sup>(9) .....

<sup>F1</sup>(10) .....

- (11) For paragraph 37 (release of detained person) substitute—

- “37
- (1) This paragraph applies where—
- (a) a person (‘the detained person’) is detained by virtue of a warrant issued under this Part of this Schedule; and
  - (b) his detention is not authorised by virtue of section 41(5) or (6) or otherwise apart from the warrant.
- (2) If it at any time appears to the police officer or other person in charge of the detained person’s case that any of the matters mentioned in paragraph 32(1)

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- (a) and (b) on which the judicial authority or senior judge last authorised his further detention no longer apply, he must—
- (a) if he has custody of the detained person, release him immediately; and
  - (b) if he does not, immediately inform the person who does have custody of the detained person that those matters no longer apply in the detained person's case.
- (3) A person with custody of the detained person who is informed in accordance with this paragraph that those matters no longer apply in his case must release that person immediately.”
- (12) This section does not apply in a case in which—
- (a) the arrest of the person detained under section 41 of the Terrorism Act 2000 (c. 11) took place before the commencement of this section; or
  - (b) his examination under Schedule 7 to that Act began before the commencement of this section.

#### Textual Amendments

- F1** S. 23(8)-(10) repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 4](#) (with s. 97); [S.I. 2012/1205](#), art. 4(1)

#### Commencement Information

- I3** S. 23 in force at 25.7.2006 by [S.I. 2006/1936](#), art. 2(2)(a)

## 24 Grounds for extending detention

- (1) In Schedule 8 to the Terrorism Act 2000, in paragraph 23(1) (grounds on which a review officer may authorise continued detention), after paragraph (b) insert—
- “(ba) pending the result of an examination or analysis of any relevant evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining relevant evidence;”.
- (2) In sub-paragraph (1) of paragraph 32 of that Schedule (grounds on which a judicial authority may authorise further detention), for the words from “to obtain” to “preserve relevant evidence” substitute “ as mentioned in sub-paragraph (1A) ”.
- (3) After that sub-paragraph insert—
- “(1A) The further detention of a person is necessary as mentioned in this sub-paragraph if it is necessary—
- (a) to obtain relevant evidence whether by questioning him or otherwise;
  - (b) to preserve relevant evidence; or
  - (c) pending the result of an examination or analysis of any relevant evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining relevant evidence.”
- (4) In paragraph 23(4) (meaning of “relevant evidence”), for “sub-paragraph (1)(a) and (b)” substitute “ this paragraph ”.
- (5) In paragraph 32(2) (meaning of “relevant evidence”), for “sub-paragraph (1)” substitute “ this paragraph ”.

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- (6) This section does not apply in a case in which—
- (a) the arrest of the person detained under section 41 of the Terrorism Act 2000 took place before the commencement of this section; or
  - (b) his examination under Schedule 7 to that Act began before the commencement of this section.

**Commencement Information**

**I4** S. 24 in force at 25.7.2006 by S.I. 2006/1936, art. 2(2)(a)

**F25 Expiry or renewal of extended maximum detention period**

**Textual Amendments**

**F2** S. 25 repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 57(2), 120, Sch. 10 Pts. 4 (with s. 97); S.I. 2012/1205, art. 4(a)

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

- C1** S. 25 disappplied (temp. until 25.07.2008) (25.7.2007) by Terrorism Act 2006 (Disapplication of Section 25) Order 2007 (S.I. 2007/2181), arts. 1, 2
- C2** S. 25 disappplied (25.7.2008) by Terrorism Act 2006 (Disapplication of Section 25) Order 2008 (S.I. 2008/1745), arts. 1, 2
- C3** S. 25 disappplied (temp.) (25.7.2009) by Terrorism Act 2006 (Disapplication of Section 25) Order 2009 (S.I. 2009/1883), arts. 1, 2
- C4** S. 25 disappplied (temp.) (25.7.2010) by Terrorism Act 2006 (Disapplication of Section 25) Order 2010 (S.I. 2010/1909), arts. 1, 2

**Commencement Information**

**I5** S. 25 in force at 25.7.2006 by S.I. 2006/1936, art. 2(2)(a)

*Searches etc.*

**26 All premises warrants: England and Wales and Northern Ireland**

- (1) Part 1 of Schedule 5 to the Terrorism Act 2000 (searches etc. for the purposes of terrorist investigations in England and Wales and Northern Ireland) is amended as follows.
- (2) In paragraph 1 (search warrants authorising entry to specified premises), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “ premises mentioned in sub-paragraph (2A) ”.
- (3) After sub-paragraph (2) of that paragraph insert—
  - “(2A) The premises referred to in sub-paragraph (2)(a) are—
    - (a) one or more sets of premises specified in the application (in which case the application is for a ‘specific premises warrant’); or

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- (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an ‘all premises warrant’).”
- (4) In sub-paragraph (5) of that paragraph—
- (a) in paragraph (b), for “premises specified in the application” substitute “premises to which the application relates”;
- (b) in paragraph (c), at the end insert “, and”; and
- (c) after that paragraph insert—
- “(d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.”
- (5) In paragraph 2 (warrants as to which special conditions are satisfied), in sub-paragraph (1), after “an application” insert “ for a specific premises warrant ”.
- (6) After that paragraph insert—
- “2A
- (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—
- (a) the application is made by a police officer of at least the rank of superintendent, and
- (b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).
- (2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).
- (3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—
- (a) in respect of premises which are not residential premises, and
- (b) within the period of 24 hours beginning with the time when the warrant is issued.
- (4) For the purpose of sub-paragraph (3) ‘residential premises’, in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling.”
- (7) In paragraph 11 (applications for search warrants involving excluded or special procedure material), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “ premises mentioned in sub-paragraph (3A) ”.
- (8) After sub-paragraph (3) of that paragraph insert—
- “(3A) The premises referred to in sub-paragraph (2)(a) are—
- (a) one or more sets of premises specified in the application (in which case the application is for a ‘specific premises warrant’); or
- (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an ‘all premises warrant’).”



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- (9) In paragraph 12 (grant of applications where excluded or special procedure material is involved), in each of sub-paragraphs (1) and (2), after “an application” insert “ for a specific premises warrant ”.
- (10) After sub-paragraph (2) of that paragraph insert—
- “(2A) A Circuit judge or a District Judge (Magistrates' Courts) may grant an application for an all premises warrant under paragraph 11 if satisfied—
- (a) that an order made under paragraph 5 has not been complied with, and
  - (b) that the person specified in the application is also specified in the order.
- (2B) A Circuit judge or a District Judge (Magistrates' Courts) may also grant an application for an all premises warrant under paragraph 11 if satisfied that there are reasonable grounds for believing—
- (a) that there is material on premises to which the application relates which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and
  - (b) that the conditions in sub-paragraphs (3) and (4) are met.”
- (11) In sub-paragraph (4)(b) of that paragraph, for “the premises on which the material is situated” substitute “ premises to which the application for the warrant relates ”.

#### **Commencement Information**

**16** S. 26 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

## **27 All premises warrants: Scotland**

- (1) Part 2 of Schedule 5 to the Terrorism Act 2000 (c. 11) (searches etc. for the purposes of terrorist investigations in Scotland) is amended as follows.
- (2) In paragraph 28 (search warrants authorising entry to specified premises in Scotland), in sub-paragraph (2)(a), for “the premises specified in the warrant” substitute “ premises mentioned in sub-paragraph (2A) ”.
- (3) After sub-paragraph (2) of that paragraph insert—
- “(2A) The premises referred to in sub-paragraph (2)(a) are—
- (a) one or more sets of premises specified in the application (in which case the application is for a ‘specific premises warrant’); or
  - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an ‘all premises warrant’).”
- (4) In sub-paragraph (4) of that paragraph—
- (a) in paragraph (b), for “premises specified in the application” substitute “ premises to which the application relates ”;
  - (b) in paragraph (c), at the end insert “ , and ”; and
  - (c) after that paragraph insert—
- “(d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application

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all the premises which the person so specified occupies or controls and which might need to be searched.”

- (5) In sub-paragraph (5) of that paragraph, for “a warrant” substitute “ a specific premises warrant ”.
- (6) After sub-paragraph (6) of that paragraph insert—
- “(6A) Where an all premises warrant is granted, entry and search in pursuance of the warrant of any premises which are non-residential premises must be within the period of 24 hours beginning with the time when the warrant is granted.
- (6B) For the purpose of sub-paragraph (6A) “non-residential premises” means any premises other than those which the constable executing the warrant has reasonable grounds for believing are used wholly or mainly as a dwelling.”
- (7) In paragraph 29 (conditions for grant of warrant under paragraph 28)—
- (a) in sub-paragraph (1)(a), after “with” insert “ and, in the case of an application for an all premises warrant, the person specified in the order in pursuance of paragraph 22(3) is also specified in the application ”; and
- (b) in sub-paragraph (2)(b), for “on which the material is situated” substitute “ to which the application for the warrant relates ”.
- (8) In paragraph 33(2) (power to open lockfast places)—
- (a) for “premises specified in” substitute “ premises which he is entitled to enter in pursuance of ”; and
- (b) for “a notice under paragraph 32” substitute “ an order under paragraph 31 ”.

#### Commencement Information

I7 S. 27 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

## 28 Search, seizure and forfeiture of terrorist publications

- (1) If a justice of the peace is satisfied that there are reasonable grounds for suspecting that articles to which this section applies are likely to be found on any premises, he may issue a warrant authorising a constable—
- (a) to enter and search the premises; and
- (b) to seize anything found there which the constable has reason to believe is such an article.
- (2) This section applies to an article if—
- (a) it is likely to be the subject of conduct falling within subsection (2)(a) to (e) of section 2; and
- (b) it would fall for the purposes of that section to be treated, in the context of the conduct to which it is likely to be subject, as a terrorist publication.
- (3) A person exercising a power conferred by a warrant under this section may use such force as is reasonable in the circumstances for exercising that power.
- (4) An article seized under the authority of a warrant issued under this section—
- (a) may be removed by a constable to such place as he thinks fit; and

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- (b) must be retained there in the custody of a constable until returned or otherwise disposed of in accordance with this Act.
- (5) An article to which this section applies which is seized under the authority of a warrant issued under this section on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland—
  - (a) shall be liable to forfeiture; and
  - (b) if forfeited, may be destroyed or otherwise disposed of by a constable in whatever manner he thinks fit.
- (6) In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers which relate to the seizure of property in bulk)—
  - (a) in Part 1, at the end insert—

“73H  
The power of seizure conferred by section 28 of the Terrorism Act 2006.”
  - (b) in Part 3, at the end insert—

“113  
The power of seizure conferred by section 28 of the Terrorism Act 2006.”
- (7) Nothing in—
  - (a) the Police (Property) Act 1897 (c. 30) (property seized in the investigation of an offence), or
  - (b) section 31 of the Police (Northern Ireland) Act 1998 (c. 32) (which makes similar provision in Northern Ireland),applies to an article seized under the authority of a warrant under this section.
- (8) Schedule 2 (which makes provision about the forfeiture of articles to which this section applies) has effect.
- (9) In this section—
  - “article” has the same meaning as in Part 1 of this Act;
  - “forfeited” means treated or condemned as forfeited under Schedule 2, and “forfeiture” is to be construed accordingly;
  - “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60) (see section 23 of that Act).
- (10) In the application of this section to Scotland—
  - (a) in subsection (1), for the words from the beginning to “satisfied” substitute “If a sheriff, on the application of a procurator fiscal, is satisfied”;
  - (b) in subsection (5) omit “on an information laid by or on behalf of the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland”;
  - (c) in subsection (9), for the definition of “premises” substitute—

“‘premises’ has the same meaning as in the Terrorism Act 2000 (c. 11) (see section 121 of that Act).”

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#### Commencement Information

**I8** S. 28 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

### 29 Power to search vehicles under Schedule 7 to the Terrorism Act 2000

In paragraph 8 of Schedule 7 to the Terrorism Act 2000 (c. 11) (search of a person at a port or in the border area to ascertain if he is involved in terrorism), after subparagraph (1)(d) insert—

- “(e) search a vehicle which is on a ship or aircraft;
- (f) search a vehicle which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft.”

#### Commencement Information

**I9** S. 29 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

### F<sup>3</sup>30 Extension to internal waters of authorisations to stop and search

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#### Textual Amendments

**F3** S. 30 repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 10 Pt. 4 (with s. 97); S.I. 2012/1205, art. 4(1)

#### Commencement Information

**I10** S. 30 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

#### *Other investigatory powers*

### 31 Amendment of the Intelligence Services Act 1994

- (1) The Intelligence Services Act 1994 (c. 13) is amended as follows.
- (2) In subsection (1) of section 6 (persons under whose hand a warrant to act within the British Islands may be issued), after paragraph (c) insert “or
  - (d) in an urgent case where the Secretary of State has expressly authorised the issue of warrants in accordance with this paragraph by specified senior officials and a statement of that fact is endorsed on the warrant, under the hand of any of the specified officials.”
- (3) After that subsection insert—
 

“(1A) But a warrant issued in accordance with subsection (1)(d) may authorise the taking of an action only if the action is an action in relation to property which, immediately before the issue of the warrant, would, if done outside the British Islands, have been authorised by virtue of an authorisation under section 7 that was in force at that time.”

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- (1B) A senior official who issues a warrant in accordance with subsection (1)(d) must inform the Secretary of State about the issue of the warrant as soon as practicable after issuing it.”
- (4) In subsection (2)(b) of that section (duration of warrants issued by senior officials), for “second” substitute “ fifth ”.
- (5) In subsection (6)(b) of section 7 (duration of authorisations to act outside the British Islands that are issued by senior officials), for “second” substitute “ fifth ”.
- (6) After subsection (9) of that section insert—
- “(10) Where—
- (a) a person is authorised by virtue of this section to do an act outside the British Islands in relation to property,
  - (b) the act is one which, in relation to property within the British Islands, is capable of being authorised by a warrant under section 5,
  - (c) a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and
  - (d) the act is done in circumstances falling within subsection (11) or (12),
- this section shall have effect as if the act were done outside the British Islands in relation to that property.
- (11) An act is done in circumstances falling within this subsection if it is done in relation to the property at a time when it is believed to be outside the British Islands.
- (12) An act is done in circumstances falling within this subsection if it —
- (a) is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation under this section was given or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but
  - (b) is done before the end of the fifth working day after the day on which the presence of the property in the British Islands first becomes known.
- (13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time—
- (a) that the belief that the property was outside the British Islands was mistaken; or
  - (b) that the property is within those Islands.
- (14) In subsection (13) ‘the relevant time’ means, as the case may be—
- (a) the time of the mistaken belief mentioned in subsection (12)(a); or
  - (b) the time at which the property was, or was most recently, brought within the British Islands.”

*Status: Point in time view as at 03/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 2. (See end of Document for details)*

### Commencement Information

**III** S. 31 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

## 32 Interception warrants

- (1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.
- (2) In section 9(6) (period for which interception warrants can be issued or renewed), after paragraph (a) insert—
  - “(ab) in relation to an unrenewed warrant which is endorsed under the hand of the Secretary of State with a statement that the issue of the warrant is believed to be necessary on grounds falling within section 5(3)(a) or (c), means the period of six months beginning with the day of the warrant's issue;”.
- (3) For subsection (6) of section 10 (prohibition on modification of scheduled parts of warrant by the person to whom the warrant is addressed or his subordinates) substitute—
  - “(6) Subsection (4) authorises the modification of the scheduled parts of an interception warrant under the hand of a senior official who is either—
    - (a) the person to whom the warrant is addressed, or
    - (b) a person holding a position subordinate to that person,
 only if the applicable condition specified in subsection (6A) is satisfied and a statement that the condition is satisfied is endorsed on the modifying instrument.
  - (6A) The applicable condition is—
    - (a) in the case of an unrenewed warrant, that the warrant is endorsed with a statement that the issue of the warrant is believed to be necessary in the interests of national security; and
    - (b) in the case of a renewed warrant, that the instrument by which it was last renewed is endorsed with a statement that the renewal is believed to be necessary in the interests of national security.”
- (4) In subsection (9)(b) (modifications made otherwise than by Secretary of State ceasing to have effect after five days), after “(5A)(b)” insert “, (6) ”.
- (5) In section 16 (extra safeguards in the case of certificated warrants)—
  - (a) in subsection (3)(b) (exception for communications sent during a specified three month period), for “a period of not more than three months specified in the certificate” substitute “ a period specified in the certificate that is no longer than the permitted maximum ”; and
  - (b) in subsection (5)(c) (exception for material selected before the end of the first working day after a relevant change of circumstances), for the words from “the first working day” onwards substitute “ the permitted period ”.
- (6) After subsection (3) of that section insert—
  - “(3A) In subsection (3)(b) ‘the permitted maximum’ means—

*Status: Point in time view as at 03/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 2. (See end of Document for details)*

- (a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, six months; and
  - (b) in any other case, three months.”
- (7) After subsection (5) of that section insert—
- “(5A) In subsection (5)(c) ‘the permitted period’ means—
- (a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, the period ending with the end of the fifth working day after it first appeared as mentioned in subsection (5)(a) to the person to whom the warrant is addressed; and
  - (b) in any other case, the period ending with the end of the first working day after it first so appeared to that person.”

#### **Commencement Information**

**112** S. 32 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

### **33 Disclosure notices for the purposes of terrorist investigations**

- (1) In section 60 of the Serious Organised Crime and Police Act 2005 (c. 15) (investigatory powers of DPP etc.), in subsection (1), after “applies” insert “ or in connection with a terrorist investigation ”.
- (2) After subsection (6) of that section insert—
- “(7) In this Chapter ‘terrorist investigation’ means an investigation of—
- (a) the commission, preparation or instigation of acts of terrorism,
  - (b) any act or omission which appears to have been for the purposes of terrorism and which consists in or involves the commission, preparation or instigation of an offence, or
  - (c) the commission, preparation or instigation of an offence under the Terrorism Act 2000 (c. 11) or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act.”
- (3) In section 62 of that Act (disclosure notices), insert—
- “(1A) If it appears to the Investigating Authority—
- (a) that any person has information (whether or not contained in a document) which relates to a matter relevant to a terrorist investigation, and
  - (b) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation,
- he may give, or authorise an appropriate person to give, a disclosure notice to that person.”
- (4) In section 70(1) of that Act (interpretation of Chapter 1)—
- (a) before the definition of “appropriate person” insert—

*Status: Point in time view as at 03/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Act 2006, Part 2. (See end of Document for details)*

“‘act of terrorism’ includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (see section 1(5) of that Act);”

- (b) after the definition of “document” insert—

“‘terrorism’ has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act);

‘terrorist investigation’ has the meaning given by section 60(7).”

#### Commencement Information

**I13** S. 33 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

#### *Definition of terrorism etc.*

### 34 Amendment of the definition of “terrorism” etc.

In each of—

- (a) section 1(1)(b) of the Terrorism Act 2000 (c. 11) (under which actions and threats designed to influence a government may be terrorism), and
- (b) section 113(1)(c) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (offence of using noxious substances or things to influence a government or to intimidate),

after “government” insert “ or an international governmental organisation ”.

#### Commencement Information

**I14** S. 34 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

#### *Other amendments*

### 35 Applications for extended detention of seized cash

- (1) In paragraph 3 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (application relating to period of detention of seized terrorist cash), after sub-paragraph (3) insert—

“(3A) An application to a justice of the peace or the sheriff for an order under sub-paragraph (2) making the first extension of the period—

- (a) may be made and heard without notice of the application or hearing having been given to any of the persons affected by the application or to the legal representative of such a person, and
- (b) may be heard and determined in private in the absence of persons so affected and of their legal representatives.”

- (2) This section applies to applications made after the commencement of this section.



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*Status: Point in time view as at 03/03/2015.*

**Changes to legislation:** *There are currently no known outstanding effects for the Terrorism Act 2006, Part 2. (See end of Document for details)*

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**Commencement Information**

**I15** S. 35 in force at 13.4.2006 by S.I. 2006/1013, **art. 2(2)(b)**

**Status:**

Point in time view as at 03/03/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorism Act 2006, Part 2.