

1989 No. 2313

PREVENTION AND SUPPRESSION OF TERRORISM

The Suppression of Terrorism Act 1978 (Application of Provisions) (Republic of Ireland) Order 1989

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| <i>Made</i> - - - - | <i>7th December 1989</i> |
| <i>Laid before Parliament</i> | <i>15th December 1989</i> |
| <i>Coming into force</i> | <i>18th December 1989</i> |

Whereas the Republic of Ireland is for the time being designated in an order(a) made by me as a party to the European Convention on the Suppression of Terrorism(b) signed at Strasbourg on 27th January 1977:

Now, therefore, in exercise of the powers conferred upon me by section 1(4) of the Suppression of Terrorism Act 1978(c), I hereby make the following Order:

1. This Order may be cited as the Suppression of Terrorism Act 1978 (Application of Provisions) (Republic of Ireland) Order 1989 and shall come into force on 18th December 1989.

2. The following provisions of section 1 of the Suppression of Terrorism Act 1978 (cases in which certain offences are not to be regarded as of a political character), namely -

- (a) subsection (3)(c);
- (b) subsection (3)(d)(ii),

are hereby applied respectively to warrants of the kind mentioned in section 1(1)(a) of the Backing of Warrants (Republic of Ireland) Act 1965(d) issued in the Republic of Ireland while this Order is in force and to criminal proceedings instituted in the Republic of Ireland while this Order is in force.

Home Office
7th December 1989

David Waddington
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made in consequence of the accession of the Republic of Ireland to the European Convention on the Suppression of Terrorism, applies section 1(3)(c) and (d)(ii) of the Suppression of Terrorism Act 1978 (c.26) respectively to warrants of arrest issued in the Republic for backing in the United Kingdom and to criminal proceedings instituted in the Republic for the purposes of which evidence is sought to be obtained in the United Kingdom.

The effect is that where such warrants or criminal proceedings relate to offences corresponding to those listed in Schedule 1 to the 1978 Act, they are not to be regarded as offences of a political character. However, to the cases in which warrants from the Republic of Ireland are not to be executed, there are added (in relation to such offences) cases in which there are substantial grounds for believing that the warrant was in fact issued in order to secure the return of the person to whom it applies to the Republic for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions, or that he would if returned there be prejudiced at his trial or punished, detained or restricted in his liberty by reason of any of those matters.

By virtue of article 1, this Order comes into force on 18th December 1989.

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