
STATUTORY INSTRUMENTS

1996 No. 892

**The Prevention of Terrorism
(Exclusion Orders) Regulations 1996**

Making of exclusion orders

2. For paragraphs 2 to 5 of Schedule 2 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (making of exclusion orders) substitute—

“Notice that exclusion order is being considered

2.—(1) Where the Secretary of State is considering whether to make an exclusion order against a person—

- (a) if the person is in the United Kingdom, notice in writing shall be served on him that the Secretary of State is considering that question; and
- (b) if the person is not in the United Kingdom, notice in writing may be served on him that the Secretary of State is considering that question.

(2) A notice under sub-paragraph (1) above shall—

- (a) specify whether the order under consideration is an order under section 5, 6 or 7 of this Act; and
- (b) set out the rights afforded by paragraph 4 below and specify the manner in which those rights are to be exercised.

(3) Where a person on whom notice is served under sub-paragraph (1) above is not for the time being detained by virtue of this Act, the notice may be served on him by posting it to him at his last known address.

Advice

3. Where notice is served on a person under paragraph 2(1) above, the matter shall be referred for the advice of one or more persons nominated by the Secretary of State.

Representations and interview

4.—(1) Where a person on whom notice is served under paragraph 2(1) above objects to the making against him of the exclusion order under consideration, he may—

- (a) make representations in writing to the Secretary of State setting out the grounds of his objections; and
- (b) include in those representations a request for a personal interview with the person or persons nominated by the Secretary of State under paragraph 3 above.

(2) The person on whom the notice is served may exercise the rights conferred by sub-paragraph (1) above—

- (a) if he is outside the relevant territory when the notice is served, within fourteen days of the service of the notice;

- (b) if he is inside the relevant territory when the notice is served but departs with the Secretary of State's approval within seven days of the service of the notice, within fourteen days of his departure; and
 - (c) in any other case, within seven days of the service of the notice.
- (3) In sub-paragraph (2) above "the relevant territory" means—
- (a) Great Britain if the notice relates to the making of an order under section 5 of this Act;
 - (b) Northern Ireland if it relates to the making of an order under section 6 of this Act; and
 - (c) the United Kingdom if it relates to the making of an order under section 7 of this Act.
- (4) A person who requests a personal interview under sub-paragraph (1)(b) above shall be granted one unless—
- (a) sub-paragraph (2)(a) or (b) above applies to him; and
 - (b) it appears to the Secretary of State that it is not reasonably practicable to grant him such an interview in an appropriate country or territory within a reasonable period from the date on which he made his representations.
- (5) Where, in the case of a person to whom sub-paragraph (2)(a) or (b) above applies, it appears to the Secretary of State that it is reasonably practicable to grant him a personal interview in more than one appropriate country or territory, the Secretary of State may grant him the personal interview in whichever of them he thinks fit.
- (6) In sub-paragraphs (4) and (5) above "appropriate country or territory" means—
- (a) Northern Ireland or the Republic of Ireland if the notice served on the person under paragraph 2(1) above relates to the making of an order under section 5 of this Act;
 - (b) Great Britain or the Republic of Ireland if it relates to the making of an order under section 6 of this Act; and
 - (c) the Republic of Ireland if it relates to the making of an order under section 7 of this Act.
- (7) It is for the Secretary of State to determine the place in any country or territory at which a personal interview is to be granted under this paragraph.

Making of exclusion order

- 5.—(1) In deciding whether to make an exclusion order against any person, the Secretary of State shall take into account everything which appears to him to be relevant; and where a notice has been served on the person concerned under paragraph 2(1) above the Secretary of State shall in particular take account of—
- (a) the advice of the person or persons to whom the matter was referred under paragraph 3 above;
 - (b) any representations made by the person under paragraph 4 above; and
 - (c) the report of any personal interview granted under that paragraph.
- (2) The question whether to make an exclusion order against a person on whom notice has been served under paragraph 2(1) above shall be decided as soon as is reasonably practicable after—
- (a) the Secretary of State has received the advice of the person or persons to whom the matter was referred under paragraph 3 above; and

- (b) sub-paragraph (3) below is satisfied.
- (3) This sub-paragraph is satisfied if—
 - (a) the Secretary of State has received representations made by the person under paragraph 4 above and the report of any personal interview granted under that paragraph;
 - (b) the Secretary of State has received from the person a statement in writing that he does not intend to make representations under that paragraph; or
 - (c) the period during which the person may make representations under that paragraph has expired.
- (4) If the Secretary of State—
 - (a) makes an exclusion order against a person; or
 - (b) decides not to make an exclusion order against a person on whom notice has been served under paragraph 2(1) above,

notice in writing of the making of the order or the decision not to make an order shall be served on him if it is reasonably practicable to do so.

Detention pending decision whether to make exclusion order

5A.—(1) A person on whom notice has been served under paragraph 2(1) above may be detained under the authority of the Secretary of State until the Secretary of State has either made an exclusion order against him or decided not to make an exclusion order against him.

(2) A person liable to be detained under sub-paragraph (1) above may be arrested without warrant by an examining officer.

(3) The power of detention and the power of arrest conferred by sub-paragraphs (1) and (2) above are exercisable only—

- (a) in Great Britain if the notice relates to the making of an order under section 5 of this Act; and
- (b) in Northern Ireland if it relates to the making of an order under section 6 of this Act.

(4) A person may be removed from a vehicle for detention under this paragraph.”.