



# Prevention of Terrorism (Temporary Provisions) Act 1989

## 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 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.

## **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.

## **19 Prosecutions and evidence**

- (1) Proceedings shall not be instituted—

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- (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.

## 20 Interpretation

- (1) In this Act—
- “aircraft” includes hovercraft;
  - “captain” means master of a ship or commander of an aircraft;
  - “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;
  - “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 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;
  - “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

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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.