



# Prevention of Terrorism (Temporary Provisions) Act 1989

## 1989 CHAPTER 4

### PART VI

#### FURTHER PROVISIONS FOR NORTHERN IRELAND

#### 21 Search for munitions etc

- (1) The powers conferred by this section shall be exercisable by a person (whether a member of Her Majesty's forces or a constable) carrying out a search under section 15(1) or (2) of the Northern Ireland (Emergency Provisions) Act 1978 (search for munitions, radio transmitters and scanning receivers).
- (2) If the person carrying out the search reasonably believes that it is necessary to do so for the purpose of effectively carrying out the search or of preventing the frustration of its object he may—
  - (a) require any person who when the search begins is on, or during the search enters, the premises or other place where the search is carried out ("the place of search") to remain in, or in a specified part of, that place, to refrain from entering a specified part of it or to go from one specified part of it to another specified part;
  - (b) require any person who is not resident in the place of search to refrain from entering it; and
  - (c) use reasonable force to secure compliance with any such requirement.
- (3) Where by virtue of section 20 of the said Act of 1978 a search under section 15(1) or (2) of that Act is carried out in relation to a vessel, aircraft or vehicle, the person carrying out the search may, if he reasonably believes that it is necessary to do so for the purpose mentioned in subsection (2) above—
  - (a) require any person in or on the vessel, aircraft or vehicle to remain with it or, in the case of a vessel or vehicle which by virtue of section 20(4) of that Act is removed for the purpose of the search, to go to and remain at the place to which it is removed; and

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- (b) use reasonable force to secure compliance with any such requirement.
- (4) No requirement imposed under this section shall have effect after the conclusion of the search in relation to which it was imposed; and no such requirement shall be imposed or have effect after the end of the period of four hours beginning with the time when that or any other requirement was first imposed under this section in relation to the search in question but a police officer of at least the rank of superintendent may extend that period by a further period of four hours if he reasonably believes that it is necessary to do so for the purpose mentioned in subsection (2) above.
- (5) A person who wilfully fails to comply with a requirement imposed under this section or wilfully obstructs, or seeks to frustrate the object of, a search in relation to which such a requirement has been or could be imposed is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two 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.
- (6) Sections 13 and 14 of the said Act of 1978 (powers of arrest) and section 29 of that Act (restriction of prosecutions) shall apply to an offence under subsection (5) above.
- (7) At the end of section 15(3)(b) of the said Act of 1978 (power to search persons) there shall be inserted the words “and search any person entering or found in a dwelling-house entered under subsection (2) above”.
- (8) The powers conferred by this section are without prejudice to any powers exercisable apart from this section where a member of Her Majesty’s forces or a constable is exercising a power of search.

## **22 Restricted remission for persons sentenced for scheduled offences**

- (1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1978 shall not, where it is for a term of five years or more, exceed one-third of that term.
- (2) Where a person is sentenced on the same occasion for two or more such offences to terms which are consecutive subsection (1) above shall apply as if those terms were a single term.
- (3) Where a person is serving two or more terms which are consecutive but not all subject to subsection (1) above, the maximum remission granted under prison rules in respect of those terms taken together shall be arrived at by calculating the maximum remission for each term separately and aggregating the result.
- (4) In this section “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953.
- (5) The Secretary of State may by order made by statutory instrument substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1) above; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies where the scheduled offence is committed while this section is in force.

## **23 Conviction of scheduled offence during period of remission**

- (1) This section applies where a person who has been sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year—
  - (a) is discharged from prison or the centre in pursuance of prison rules; and
  - (b) before that sentence or term of detention would (but for that discharge) have expired he commits, and is convicted on indictment of, a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1978.
- (2) If the court before which he is convicted of the scheduled offence sentences him to imprisonment or a term of detention it shall in addition order him to be returned to prison or, where appropriate, to a young offenders centre for the period between the date of the order and the date on which the sentence of imprisonment or term of detention mentioned in subsection (1) above would have expired but for his discharge.
- (3) No order shall be made under subsection (2) above if the sentence imposed by the court is a suspended sentence or a sentence of life imprisonment or of detention during the Secretary of State's pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968; and any order made by a court under that subsection shall cease to have effect if an appeal results in the acquittal of the person concerned or in the substitution of a sentence other than one in respect of which the duty imposed by that subsection applies.
- (4) The period for which a person is ordered under this section to be returned to prison or a young offenders centre—
  - (a) shall be taken to be a sentence of imprisonment or term of detention for the purposes of the Prison Act (Northern Ireland) 1953 and for the purposes of the Treatment of Offenders Act (Northern Ireland) 1968 other than section 26(2) (reduction for time spent in custody);
  - (b) shall not be subject to any provision of prison rules for discharge before expiry; and
  - (c) shall be served before, and be followed by, the sentence or term imposed for the scheduled offence and be disregarded in determining the appropriate length of that sentence or term.
- (5) For the purposes of this section a certificate purporting to be signed by the governor or deputy governor of a prison or young offenders centre which specifies—
  - (a) the date on which a person was discharged from prison or a young offenders centre;
  - (b) the sentence or term which the person was serving at the time of his discharge, the offence in respect of which the sentence or term was imposed and the date on which he was convicted of that offence;
  - (c) the date on which the person would, but for his discharge in pursuance of prison rules, have been discharged from prison or a young offenders centre,shall be evidence of the matters so specified.
- (6) In this section—
  - “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953;
  - “sentence of imprisonment” does not include a committal in default of payment of any sum of money or for want of sufficient distress to satisfy any sum of money or for failure to do or abstain from doing anything required to be done or left undone;

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“young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968.

- (7) For the purposes of subsection (1) above consecutive terms of imprisonment or of detention in a young offenders centre shall be treated as a single term and a sentence of imprisonment or detention in a young offenders centre includes—
- (a) a sentence or term passed by a court in the United Kingdom, the Channel Islands or the Isle of Man;
  - (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence within the meaning of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.
- (8) The Secretary of State may by order made by statutory instrument substitute a different period for the period of one year mentioned in subsection (1) above; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) This section applies where the scheduled offence is committed while this section is in force but irrespective of when the discharge from prison or a young offenders centre took place.

## **24 Explosives factories, magazines and stores**

- (1) The grounds on which the Secretary of State may reject an application for a licence under section 6 of the Explosives Act 1875 (new explosives factories and magazines) shall include the ground that the establishment of the factory or magazine in question is undesirable in the interests of safeguarding national security or protecting public safety; and a licence granted under that section may be withdrawn by him on that ground at any time before it comes into force.
- (2) The Secretary of State may also refuse a licence under section 15 or registration under section 21 of that Act (explosives stores and other premises for keeping explosives) on the ground that the establishment of the store or, as the case may be, the keeping of explosives on the premises in question is undesirable in the interests of safeguarding national security or protecting public safety.