



# Suppression of Terrorism Act 1978

## 1978 CHAPTER 26

An Act to give effect to the European Convention on the Suppression of Terrorism; to amend the law relating to the extradition of criminals and the obtaining of evidence for criminal proceedings outside the United Kingdom; to confer jurisdiction in respect of certain offences committed outside the United Kingdom; and for connected purposes. [30th June 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Cases in which certain offences are not to be regarded as of a political character**

- (1) This section applies to any offence of which a person is accused or has been convicted outside the United Kingdom if the act constituting the offence, or the equivalent act, would, if it took place in any part of the United Kingdom or, in the case of an extra-territorial offence, in corresponding circumstances outside the United Kingdom, constitute one of the offences listed in Schedule 1 to this Act.
- (2) For the purposes mentioned in subsection (3) below—
  - (a) no offence to which this section applies shall be regarded as an offence of a political character; and
  - (b) no proceedings in respect of an offence to which this section applies shall be regarded as a criminal matter of a political character or as criminal proceedings of a political character.
- (3) Those purposes are—
  - (a) the purposes of the Extradition Act 1870 in relation to any requisition for the surrender of a fugitive criminal made on behalf of a convention country after the coming into force of this paragraph ;
  - (b) the purposes of the Fugitive Offenders Act 1967 in relation to any request for the return of a person under that Act made on behalf of a convention country after the coming into force of this paragraph ;

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- (c) the purposes of the Backing of Warrants (Republic of Ireland) Act 1965 in relation to any warrant issued in the Republic of Ireland to which this paragraph applies by virtue of an order under subsection (4) below ; and
- (d) the purposes of section 5 of the Extradition Act 1873 (evidence for foreign criminal matters) and section 5 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (evidence for criminal proceedings outside the United Kingdom) in relation to—
  - (i) any criminal proceedings instituted in a convention country (not being the Republic of Ireland) after the coming into force of this subparagraph; and
  - (ii) any criminal proceedings in the Republic of Ireland to which this subparagraph applies by virtue of an order under subsection (4) below.
- (4) The Secretary of State may by order direct that subsection (3)(c) above shall apply to warrants of the kind mentioned in section 1(1)(a) of the said Act of 1965 issued while the order is in force, and that subsection (3)(d)(ii) above shall apply to criminal proceedings instituted in the Republic of Ireland while the order is in force.
- (5) On the revocation of an order made under subsection (4) above—
  - (a) subsection (3)(c) above shall cease to apply to any warrant issued while the order was in force ; and
  - (b) subsection (3)(d)(ii) above shall cease to apply to any criminal proceedings instituted while the order was in force,
 but without prejudice to the validity of anything done while the order was in force.

## **2 Restrictions on return of criminal under Extradition Act 1870, or to Republic of Ireland, in certain cases**

- (1) In relation to any requisition for the surrender of a fugitive criminal made as mentioned in section 1(3)(a) above in respect of an offence to which section 1 above applies, the Extradition Act 1870 shall have effect as if at the end of paragraph (1) of section 3 (which prohibits the surrender of a criminal if he proves as there mentioned that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character) there were added the words " or with a view to try or punish him on account of his race, religion, nationality, or political opinions, or that he might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions: "
- (2) In relation to any warrant issued in the Republic of Ireland which specifies an offence to which section 1 above applies, being a warrant to which paragraph (c) of subsection (3) of that section applies as mentioned in that paragraph, the Backing of Warrants (Republic of Ireland) Act 1965 shall have effect as if at the end of section 2(2), as amended by the Criminal Jurisdiction Act 1975, (cases where warrant from Republic of Ireland is not to be executed) there were added the following words—
  - “or
  - (e) that there are substantial grounds for believing—
    - (i) that the warrant was in fact issued in order to secure the return of the person named or described in it to the Republic for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions ; or

- (ii) that he would, if returned there, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.”.

### **3 Extraditable offences**

- (1) There shall be deemed to be included in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870—
- (a) any offence under the Explosive Substances Act 1883 ;
  - (b) any indictable offence under the Firearms Act 1968; and
  - (c) any attempt to commit any of the crimes in that list (including crimes added to it after the passing of this Act).
- (2) There shall be deemed to be included among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967—
- (a) any indictable offence under the Offences against the Person Act 1861 ;
  - (b) any offence under the Explosive Substances Act 1883 ; and
  - (c) any indictable offence under the Firearms Act 1968.

### **4 Jurisdiction in respect of offences committed outside United Kingdom**

- (1) If a person, whether a citizen of the United Kingdom and Colonies or not, does in a convention country any act which, if he had done it in a part of the United Kingdom, would have made him guilty in that part of the United Kingdom of—
- (a) an offence mentioned in paragraph 1, 2, 4, 5, 10, 11, 12, 13, 14 or 15 of Schedule 1 to this Act; or
  - (b) an offence of attempting to commit any offence so mentioned,
- he shall, in that part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had done it there.
- (2) If a person, whether a citizen of the United Kingdom and Colonies or not, does in a convention country any act to or in relation to a protected person which, if he had done it in a part of the United Kingdom, would have made him guilty in that part of the United Kingdom of—
- (a) an offence mentioned in paragraph 3, 6, 8 or 9 of Schedule 1 to this Act; or
  - (b) an offence of attempting to commit any offence so mentioned,
- he shall, in that part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had done it there.

For the purposes of this subsection it is immaterial whether a person knows that another person is a protected person.

- (3) If a person who is a national of a convention country but not a citizen of the United Kingdom and Colonies does outside the United Kingdom and that convention country any act which makes him in that convention country guilty of an offence and which, if he had been a citizen of the United Kingdom and Colonies, would have made him in any part of the United Kingdom guilty of an offence mentioned in paragraph 1, 2 or 13 of Schedule 1 to this Act, he shall, in any part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had been such a citizen.

- (4) Proceedings for an offence which would not be an offence apart from this section shall not be instituted—
- (a) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland; or
  - (b) in England and Wales, except by or with the consent of the Attorney General; and references to a consent provision in Article 7(3) to (5) of the Prosecution of Offences (Northern Ireland) Order 1972 (which relates to consents to prosecutions) shall include so much of this subsection as precedes paragraph (b).
- (5) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which would not be an offence in Scotland apart from this section.
- (6) In this section " a protected person" means, in relation to any such act as is mentioned in subsection (2) above, any of the following, namely—
- (a) a person who at the time of the act is a Head of State a member of a body which performs the functions of Head of State under the constitution of the State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;
  - (b) a person who at the time of the act is a representative or an official of a State or an official or agent of an international organisation of an inter-governmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;
  - (c) a person who at the time of the act is a member of the family of another person mentioned in either of the preceding paragraphs and—
    - (i) if the other person is mentioned in paragraph (a) above, is accompanying him, or
    - (ii) if the other person is mentioned in paragraph (b) above, is a member of his household ;

and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

- (7) For the purposes of this section any act done—
- (a) on board a ship registered in a convention country, being an act which, if the ship had been registered in the United Kingdom, would have constituted an offence within the jurisdiction of the Admiralty ; or
  - (b) on board an aircraft registered in a convention country while the aircraft is in flight elsewhere than in or over that country; or
  - (c) on board a hovercraft registered in a convention country while the hovercraft is in journey elsewhere than in or over that country,

shall be treated as done in that convention country ; and section 7(2) of the Tokyo Convention Act 1967 (meaning of " in flight" or, as applied to hovercraft, " in journey ") shall apply for the purposes of this subsection as it applies for the purposes of section 1 of that Act.

## **5 Power to apply provisions of Act to non-convention countries**

- (1) In the case of any country which, not being a convention country, is either—

- (a) a designated Commonwealth country within the meaning of the Fugitive Offenders Act 1967 ; or
- (b) a foreign state with which there is in force an arrangement of the kind described in section 2 of the Extradition Act 1870 with respect to the surrender to that state of fugitive criminals ; or
- (c) a United Kingdom dependency within the meaning of the Fugitive Offenders Act 1967,

the Secretary of State may by order direct—

(i) in the case of a country within paragraph (a) or (b) above, that all or any of the provisions of this Act which would, apart from this section, apply only in relation to convention countries shall apply in relation to that country (subject to such exceptions, if any, as may be specified in the order) as they apply in relation to a convention country; or

(ii) in the case of a country within paragraph (c) above, that the provisions of section 4 above shall so apply in relation to that country;

and while such an order is in force in the case of any country, the provisions in question shall apply in relation to it accordingly.

(2) The Secretary of State may, at any time when the Republic of Ireland is not a convention country, by order direct that section 4 above shall apply in relation to the Republic as if it were a convention country; and while such an order is in force, that section shall apply in relation to the Republic accordingly.

(3) An order under subsection (2) above shall, unless previously revoked, cease to have effect if the Republic of Ireland subsequently becomes a convention country.

## **6 Amendment of Criminal Jurisdiction Act 1975, Sch. 3**

(1) For paragraph 2(2) of Schedule 3 to the Criminal Jurisdiction Act 1975 (postponement of operation of order for return to Republic of Ireland of person accused of extraterritorial offence where he is serving a sentence imposed for any other offence) there shall be substituted—

“(2) If at the time when the order under this paragraph is made the accused stands charged with or convicted of an offence other than the extra-territorial offence, so much of the order as directs him to be delivered as aforesaid shall not take effect until the conclusion of the proceedings (including any appeal or retrial) in respect of that other offence and of any sentence of imprisonment or detention imposed in those proceedings.”.

(2) This section shall extend to Northern Ireland only.

## **7 Extension to Channel Islands, Isle of Man and other countries**

(1) Subject to subsection (2) below, this Act shall extend to the Channel Islands and the Isle of Man, and shall have effect as if each of them were part of the United Kingdom.

(2) Her Majesty may by Order in Council direct that this Act shall, in its application to any of the said islands, have effect subject to such exceptions, adaptations or modifications as may be specified in the Order.

(3) Her Majesty may by Order in Council make provision for extending any provisions of this Act, with such exceptions, adaptations or modifications as may be specified in

the Order, to any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.

- (4) An Order in Council under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An Order in Council under subsection (2) or (3) above may be varied or revoked by a subsequent Order in Council under that subsection.

## **8 Provisions as to interpretation and orders**

- (1) In this Act—
  - " act " includes omission ;
  - " convention country " means a country for the time being designated in an order made by the Secretary of State as a party to the European Convention on the Suppression of Terrorism signed at Strasbourg on the 27th January 1977;
  - " country " includes any territory ;
  - " enactment " includes an enactment of the Parliament of Northern Ireland, a Measure of the Northern Ireland Assembly, and an Order in Council under the Northern Ireland (Temporary Provisions) Act 1972 or the Northern Ireland Act 1974.
- (2) Except so far as the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended by or under any other enactment, including this Act.
- (3) For the purpose of construing references in this Act to other Acts, section 38(1) of the Interpretation Act 1889 shall apply in cases of repeal and re-enactment by a Measure of the Northern Ireland Assembly or by an Order in Council under the Northern Ireland Act 1974 as it applies in cases of repeal and re-enactment by an Act.
- (4) Any power to make an order conferred on the Secretary of State by any provision of this Act—
  - (a) shall be exercisable by statutory instrument; and
  - (b) shall include power to revoke or vary a previous order made under that provision.
- (5) No order shall be made—
  - (a) under section 1(4) above at a time when the Republic of Ireland is not a convention country; or
  - (b) under section 5 above at any time,
 unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (6) Any statutory instrument containing an order made under section 1(4) above at a time when the Republic of Ireland was a convention country or an order made under subsection (1) above shall be laid before Parliament after being made.

## **9 Short title, repeals and commencement**

- (1) This Act may be cited as the Suppression of Terrorism Act 1978.

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- (2) The enactments specified in Schedule 2 to this Act (which contains provisions superseded by section 3 above) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes.

## SCHEDULES

### SCHEDULE 1

Sections 1 and 4.

#### LIST OF OFFENCES

##### *Common law offences*

- 1 Murder.
- 2 Manslaughter or culpable homicide.
- 3 Rape.
- 4 Kidnapping, abduction or plagium.
- 5 False imprisonment.
- 6 Assault occasioning actual bodily harm or causing injury.
- 7 Wilful fire-raising.

##### *Offences against the person*

- 8 An offence under any of the following provisions of the Offences against the Person Act 1861—
  - (a) section 18 (wounding with intent to cause grievous bodily harm);
  - (b) section 20 (causing grievous bodily harm) ;
  - (c) section 21 (attempting to choke etc. in order to commit or assist in the committing of any indictable offence) ;
  - (d) section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence) ;
  - (e) section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm);
  - (f) section 24 (maliciously administering poison etc. with intent to injure etc.);
  - (g) section 48 (rape).
- 9 An offence under section 1 of the Sexual Offences Act 1956 (rape).

##### *Abduction*

- 10 An offence under any of the following provisions of the Offences against the Person Act 1861—
  - (a) section 55 (abduction of unmarried girl under 16);
  - (b) section 56 (child-stealing or receiving stolen child).
- 11 An offence under section 20 of the Sexual Offences Act 1956 (abduction of unmarried girl under 16).



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### *Explosives*

- 12 An offence under any of the following provisions of the Offences against the Person Act 1861—
- (a) section 28 (causing bodily injury by gunpowder);
  - (b) section 29 (causing gunpowder to explode etc. with intent to do grievous bodily harm);
  - (c) section 30 (placing gunpowder near a building etc. with intent to cause bodily injury).
- 13 An offence under any of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property);
  - (b) section 3 (doing any act with intent to cause such an explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property).

### *Firearms*

- 14 The following offences under the Firearms Act 1968—
- (a) an offence under section 16 (possession of firearm with intent to injure);
  - (b) an offence under subsection (1) of section 17 (use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that section.
- 15 The following offences under the Firearms Act (Northern Ireland) 1969—
- (a) an offence under section 14 consisting of a person's having in his possession any firearm or ammunition (within the meaning of that section) with intent by means thereof to endanger life, or to enable another person by means thereof to endanger life;
  - (b) an offence under subsection (1) of section 15 (use of firearm or imitation firearm- to resist arrest) involving the use or attempted use of a firearm within the meaning of that section.

### *Offences against property*

- 16 An offence under section 1(2) of the Criminal Damage Act 1971 (destroying or damaging property intending to endanger life or being reckless as to danger to life).
- 17 An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 (destroying or damaging property intending to endanger life or being reckless as to danger to life).

### *Offences in relation to aircraft*

- 18 An offence under the Hijacking Act 1971.
- 19 An offence under Part I of the Protection of Aircraft Act 1973.

### *Attempts*

- 20 An offence of attempting to commit any offence mentioned in a preceding paragraph of this Schedule.

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## SCHEDULE 2

Section 9.

## REPEALS

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 52.	Extradition Act 1870.	In Schedule 1— (a) in the entry beginning "Murder", the words "and attempt"; (b) in the entry beginning "Sinking or destroying a vessel", the words " or attempting ".
36 & 37 Vict. c. 60.	Extradition Act 1873.	In the Schedule, in the entry relating to the Sexual Offences Act 1956, the words from " and in " onwards.
22 & 23 Geo. 5. c. 39.	Extradition Act 1932.	In section 1, the words " and attempts to commit such offences ".
25 & 26 Geo.5. c. 25.	Counterfeit Currency (Convention) Act 1935.	Section 4.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In Schedule 3, in the amendment of the Extradition Act 1873, the words from "and in " onwards.
1969 c. 12.	Genocide Act 1969.	In section 2(1), the words " attempt or ".
1971 c. 70.	Hijacking Act 1971.	In section 3(1), the words from " and (so far " onwards.
1973 c. 47.	Protection of Aircraft Act 1973.	In section 5(1), the words from " and (so far " onwards.