



# Prevention of Terrorism (Temporary Provisions) Act 1989

## 1989 CHAPTER 4

### PART IV

#### ARREST, DETENTION AND CONTROL OF ENTRY

#### 14 Arrest and detention of suspected persons

- (1) Subject to subsection (2) below, a constable may arrest without warrant a person whom he has reasonable grounds for suspecting to be—
  - (a) a person guilty of an offence under section 2, 8, 9, 10 or 11 above;
  - (b) a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this section applies; or
  - (c) a person subject to an exclusion order.
- (2) The acts of terrorism to which this section applies are—
  - (a) acts of terrorism connected with the affairs of Northern Ireland; and
  - (b) acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.
- (3) The power of arrest conferred by subsection (1)(c) above is exercisable only—
  - (a) in Great Britain if the exclusion order was made under section 5 above; and
  - (b) in Northern Ireland if it was made under section 6 above.
- (4) Subject to subsection (5) below, a person arrested under this section shall not be detained in right of the arrest for more than forty-eight hours after his arrest.
- (5) The Secretary of State may, in any particular case, extend the period of forty-eight hours mentioned in subsection (4) above by a period or periods specified by him, but any such further period or periods shall not exceed five days in all and if an application for such an extension is made the person detained shall as soon as practicable be given written notice of that fact and of the time when the application was made.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The exercise of the detention powers conferred by this section shall be subject to supervision in accordance with Schedule 3 to this Act.
- (7) The provisions of this section are without prejudice to any power of arrest exercisable apart from this section.

## **15 Provisions supplementary to s.14**

- (1) If a justice of the peace is satisfied that there are reasonable grounds for suspecting that a person whom a constable believes to be liable to arrest under section 14(1)(b) above is to be found on any premises he may grant a search warrant authorising any constable to enter those premises for the purpose of searching for and arresting that person.
- (2) In Scotland the power to issue a warrant under subsection (1) above shall be exercised by a sheriff or a justice of the peace, an application for such a warrant shall be supported by evidence on oath and a warrant shall not authorise a constable to enter any premises unless he is a constable for the police area in which they are situated.
- (3) In any circumstances in which a constable has power under section 14 above to arrest a person, he may also, for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest, stop that person and search him.
- (4) Where a constable has arrested a person under that section for any reason other than the commission of a criminal offence, he, or any other constable, may search him for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest.
- (5) A search of a person under subsection (3) or (4) above may only be carried out by a person of the same sex.
- (6) A person detained under section 14 above shall be deemed to be in legal custody at any time when he is so detained and may be detained in such a place as the Secretary of State may from time to time direct.
- (7) The following provisions (requirement to bring accused person before the court after his arrest) shall not apply to a person detained in right of an arrest under section 14 above—
  - (a) section 321(3) of the Criminal Procedure (Scotland) Act 1975;
  - (b) Article 131 of the Magistrates' Courts (Northern Ireland) Order 1981;
  - (c) section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968.
- (8) Section 295(1) of the Criminal Procedure (Scotland) Act 1975 (interim liberation by officer in charge of police station) shall not apply to a person detained in right of an arrest under section 14 above.
- (9) Where a person is detained under section 14 above, any constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.
- (10) Section 61(1) to (8) of the Police and Criminal Evidence Act 1984 (fingerprinting) shall apply to the taking of a person's fingerprints by a constable under subsection (9) above as if for subsection (4) there were substituted—

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- “(4) An officer may only give an authorisation under subsection (3)(a) above for the taking of a person’s fingerprints if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 applies; or
  - (b) whether he is subject to an exclusion order under that Act; or if the officer has reasonable grounds for suspecting that person’s involvement in an offence under any of the provisions mentioned in subsection (1)(a) of that section and for believing that his fingerprints will tend to confirm or disprove his involvement.”

## **16 Port and border controls**

- (1) Schedule 5 to this Act shall have effect for conferring powers to examine persons arriving in or leaving Great Britain or Northern Ireland and for connected purposes.
- (2) The exercise of the examination and detention powers conferred by paragraphs 2 and 6 of that Schedule shall be subject to supervision in accordance with Schedule 3 to this Act.
- (3) The designated ports for the purposes of paragraph 8 of Schedule 5 to this Act shall be those specified in Schedule 6 to this Act but the Secretary of State may by order add any port to, or remove any port from, that Schedule.
- (4) Without prejudice to the provisions of Schedule 5 to this Act with respect to persons who enter or leave Northern Ireland by land or who seek to do so, the Secretary of State may by order make such further provision with respect to those persons as appears to him to be expedient.
- (5) The power to make orders under this section shall be exercisable by statutory instrument.
- (6) An order under subsection (4) above may contain transitional provisions and savings and shall be subject to annulment in pursuance of a resolution of either House of Parliament.