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# Terrorism Act 2000

## 2000 CHAPTER 11

### PART IV

#### TERRORIST INVESTIGATIONS

VALID FROM 19/02/2001

##### *Information and evidence*

**37 Powers.**

Schedule 5 (power to obtain information, &c.) shall have effect.

**38 Financial information.**

Schedule 6 (financial information) shall have effect.

VALID FROM 20/12/2001

**[<sup>F1</sup>38A Account monitoring orders**

Schedule 6A (account monitoring orders) shall have effect.]

**Textual Amendments**

**F1** S. 38A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 1 para. 1(2)**; S.I. 2001/4019, **art. 2(1)(c)**

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VALID FROM 14/12/2001

### [<sup>F2</sup>38B Information about acts of terrorism

- (1) This section applies where a person has information which he knows or believes might be of material assistance—
  - (a) in preventing the commission by another person of an act of terrorism, or
  - (b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.
- (2) The person commits an offence if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3).
- (3) Disclosure is in accordance with this subsection if it is made—
  - (a) in England and Wales, to a constable,
  - (b) in Scotland, to a constable, or
  - (c) in Northern Ireland, to a constable or a member of Her Majesty's forces.
- (4) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.
- (5) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.
- (6) 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).]

#### Textual Amendments

F2 S. 38B inserted (14.12.2001) by 2001 c. 24, s. 117(2)

### 39 Disclosure of information, &c.

- (1) Subsection (2) applies where a person knows or has reasonable cause to suspect that a constable is conducting or proposes to conduct a terrorist investigation.
- (2) The person commits an offence if he—
  - (a) discloses to another anything which is likely to prejudice the investigation, or
  - (b) interferes with material which is likely to be relevant to the investigation.
- (3) Subsection (4) applies where a person knows or has reasonable cause to suspect that a disclosure has been or will be made under any of sections 19 to 21.

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- (4) The person commits an offence if he—
- (a) discloses to another anything which is likely to prejudice an investigation resulting from the disclosure under that section, or
  - (b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.
- (5) It is a defence for a person charged with an offence under subsection (2) or (4) to prove—
- (a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation, or
  - (b) that he had a reasonable excuse for the disclosure or interference.
- (6) Subsections (2) and (4) do not apply to a disclosure which is made by a professional legal adviser—
- (a) to his client or to his client's representative in connection with the provision of legal advice by the adviser to the client and not with a view to furthering a criminal purpose, or
  - (b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (8) For the purposes of this section—
- (a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation, and
  - (b) a person interferes with material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

**Modifications etc. (not altering text)**

C1 S. 39 applied (19.2.2001) by S.I. 2001/192, reg. 3

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