



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART VII

#### NORTHERN IRELAND

##### *Miscellaneous*

#### **96 Preservation of the peace: regulations.**

- (1) The Secretary of State may by regulations make provision for promoting the preservation of the peace and the maintenance of order.
- (2) The regulations may authorise the Secretary of State to make orders or give directions for specified purposes.
- (3) A person commits an offence if he contravenes or fails to comply with—
  - (a) regulations under this section, or
  - (b) an order or direction made or given under regulations made under this section.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

#### **97 Port and border controls.**

- [<sup>F1</sup>(1) The Secretary of State may by order provide for members of Her Majesty's Forces to perform specified functions conferred on examining officers under Schedule 7.
- (2) A member of Her Majesty's Forces exercising functions by virtue of subsection (1) shall be treated as an examining officer within the meaning of Schedule 7 for all purposes of this Act except for paragraphs 5 and 6 of Schedule 14.]

*Status: Point in time view as at 08/04/2003.*

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- (3) The Secretary of State may by order make provision, including provision supplementing or modifying Schedule 7, about entering or leaving Northern Ireland by land.

#### Textual Amendments

- F1** S. 97(1)(2) ceased to have effect (19.2.2003) by virtue of [The Terrorism Act 2000 \(Continuance of Part VII\) Order 2003 \(S.I. 2003/427\)](#), [art. 2\(2\)\(a\)](#)

### 98 Independent Assessor of Military Complaints Procedures.

- (1) The Secretary of State may appoint a person to be known as the Independent Assessor of Military Complaints Procedures in Northern Ireland.
- (2) A person may be appointed as the Independent Assessor only if—
- (a) he is not a serving member of Her Majesty's forces, and
  - (b) he has not been a serving member at any time during the period of 20 years ending with the date of the appointment.
- (3) The Independent Assessor—
- (a) shall keep under review the procedures adopted by the General Officer Commanding Northern Ireland for receiving, investigating and responding to complaints to which this section applies,
  - (b) shall receive and investigate any representations about those procedures,
  - (c) may investigate the operation of those procedures in relation to a particular complaint or class of complaints,
  - (d) may require the General Officer Commanding to review a particular case or class of cases in which the Independent Assessor considers that any of those procedures have operated inadequately, and
  - (e) may make recommendations to the General Officer Commanding about inadequacies in those procedures, including inadequacies in the way in which they operate in relation to a particular complaint or class of complaints.
- (4) This section applies to complaints about the behaviour of a member of Her Majesty's forces under the command of the General Officer Commanding Northern Ireland, other than—
- (a) a complaint which is referred by the General Officer Commanding to the Royal Ulster Constabulary and which is not remitted by the Royal Ulster Constabulary to the General Officer Commanding to be dealt with by him,
  - (b) a complaint about a matter in respect of which a claim for compensation has been made under Schedule 12, and
  - (c) a complaint about a matter which is the subject of proceedings involving a claim for compensation which have been instituted in a court.
- (5) The General Officer Commanding Northern Ireland shall—
- (a) provide such information,
  - (b) disclose such documents, and
  - (c) provide such assistance,
- as the Independent Assessor may reasonably require for the purpose of the performance of his functions.

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- (6) Schedule 11 (which makes supplementary provision about the Independent Assessor) shall have effect.

**99 Police and army powers: code of practice.**

- (1) The Secretary of State may make codes of practice in connection with—
- (a) the exercise by police officers of any power conferred by this Act, and
  - (b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act.
- (2) The Secretary of State may make codes of practice in connection with the exercise by members of Her Majesty’s forces of powers by virtue of this Part.
- (3) In this section “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

**100 Video recording: code of practice.**

- (1) The Secretary of State shall—
- (a) make a code of practice about the silent video recording of interviews to which this section applies, and
  - (b) make an order requiring the silent video recording of interviews to which this section applies in accordance with the code.
- (2) This section applies to—
- (a) interviews by police officers of persons detained under section 41 if they take place in a police station (within the meaning of Schedule 8), and
  - (b) interviews held by police officers in such other circumstances as the Secretary of State may specify by order.
- (3) In this section “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

**101 Codes of practice: supplementary.**

- (1) This section applies to a code of practice under section 99 or 100.
- (2) Where the Secretary of State proposes to issue a code of practice he shall—
- (a) publish a draft,
  - (b) consider any representations made to him about the draft, and
  - (c) if he thinks it appropriate, modify the draft in the light of any representations made to him.
- (3) The Secretary of State shall lay a draft of the code before Parliament.
- (4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.
- (5) The Secretary of State may revise the whole or any part of a code of practice issued by him and issue the code as revised; and subsections (2) to (4) shall apply to such a revised code as they apply to an original code.

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- [<sup>F2</sup>(5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—
- (a) the exercise of the powers conferred on him by the designation;
  - (b) the performance of the duties imposed on him by the designation.]
- (6) A failure by a police officer to comply with a provision of a code shall not of itself make him liable to criminal or civil proceedings.
- (7) A failure by a member of Her Majesty’s forces to comply with a provision of a code shall not of itself make him liable to any criminal or civil proceedings other than—
- (a) proceedings under any provision of the <sup>M1</sup>Army Act 1955 or the <sup>M2</sup>Air Force Act 1955 other than section 70 (civil offences), and
  - (b) proceedings under any provision of the <sup>M3</sup>Naval Discipline Act 1957 other than section 42 (civil offences).
- [<sup>F3</sup>(7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.]
- (8) A code—
- (a) shall be admissible in evidence in criminal or civil proceedings, and
  - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (9) In this section—
- “criminal proceedings” includes proceedings in Northern Ireland before a court-martial constituted under the <sup>M4</sup>Army Act 1955, the <sup>M5</sup>Air Force Act 1955 or the <sup>M6</sup>Naval Discipline Act 1957 <sup>F4</sup>. . . and proceedings in Northern Ireland before the Courts-Martial Appeal Court, and
- “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

#### Textual Amendments

- F2** S. 101(5A) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 32\(1\), Sch. 3 para. 8\(2\)](#)
- F3** S. 101(7A) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 32\(1\), Sch. 3 para. 8\(3\)](#)
- F4** Words in s. 101(9) repealed (28.2.2002) by [2001 c. 19, s. 38, Sch. 7 Pt. 1](#); [S.I. 2002/345, art. 2](#) (with art. 3)

#### Commencement Information

- I1** S. 101 wholly in force at 19.2.2001; s. 101 not in force at Royal Assent see s. 128; s. 101(1)-(5) in force at 12.10.2000 by [S.I. 2000/2800, art. 2\(b\)](#); s. 101(6)-(9) in force at 19.2.2001 by [S.I. 2001/421, art. 2](#)

#### Marginal Citations

- M1** 1955 c. 18.
- M2** 1955 c. 19.
- M3** 1957 c. 53.
- M4** 1955 c. 18.
- M5** 1955 c. 19.
- M6** 1957 c. 53.

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## **102 Compensation.**

Schedule 12 (which provides for compensation to be paid for certain action taken under this Part) shall have effect.

## **103 Terrorist information.**

- (1) A person commits an offence if—
  - (a) he collects, makes a record of, publishes, communicates or attempts to elicit information about a person to whom this section applies which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or
  - (b) he possesses a document or record containing information of that kind.
- (2) This section applies to a person who is or has been—
  - (a) a constable,
  - (b) a member of Her Majesty's Forces,
  - (c) the holder of a judicial office,
  - (d) an officer of any court, or
  - (e) a full-time employee of the prison service in Northern Ireland.
- (3) In this section “record” includes a photographic or electronic record.
- (4) If it is proved in proceedings for an offence under subsection (1)(b) that a document or record—
  - (a) was on any premises at the same time as the accused, or
  - (b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,the court may assume that the accused possessed the document or record, unless he proves that he did not know of its presence on the premises or that he had no control over it.
- (5) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.
- (6) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 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.
- (7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of any document or record containing information of the kind mentioned in subsection (1)(a).
- (8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.
- (9) An order under subsection (8) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

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**104 Police powers: records.**

The Chief Constable of the Royal Ulster Constabulary shall make arrangements for securing that a record is made of each exercise by a constable of a power under this Part in so far as—

- (a) it is reasonably practicable to do so, and
- (b) a record is not required to be made under another enactment.

**105 Powers.**

A power conferred on a person by virtue of this Part—

- (a) is additional to powers which he has at common law or by virtue of any other enactment, and
- (b) shall not be taken to affect those powers or Her Majesty's prerogative.

**106 Private security services.**

Schedule 13 (private security services) shall have effect.

**Status:**

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**Changes to legislation:**

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