Terrorism Act 2000

2000 CHAPTER 11

PART VIII

GENERAL

VALID FROM 19/02/2001

114 Police powers.

(1) A power conferred by virtue of this Act on a constable—

(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.

(2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Act (apart from paragraphs 2 and 3 of Schedule 7).

(3) Where anything is seized by a constable under a power conferred by virtue of this Act, it may (unless the contrary intention appears) be retained for so long as is necessary in all the circumstances.

VALID FROM 19/02/2001

115 Officers' powers.

Schedule 14 (which makes provision about the exercise of functions by authorised officers for the purposes of sections 25 to 31 and examining officers for the purposes of Schedule 7) shall have effect.

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VALID FROM 19/02/2001

116 Powers to stop and search.

(1) A power to search premises conferred by virtue of this Act shall be taken to include power to search a container.

(2) A power conferred by virtue of this Act to stop a person includes power to stop a vehicle (other than an aircraft which is airborne).

(3) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.

(4) A person guilty of an offence under subsection (3) 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.

117 Consent to prosecution.

(1) This section applies to an offence under any provision of this Act other than an offence under—
- (a) section 36,
- (b) section 51,
- (c) paragraph 18 of Schedule 7,
- (d) paragraph 12 of Schedule 12, or
- (e) Schedule 13.

(2) Proceedings for an offence to which this section applies—
- (a) shall not be instituted in England and Wales without the consent of the Director of Public Prosecutions, and
- (b) shall not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

(3) Where it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies is committed for a purpose connected with the affairs of a country other than the United Kingdom—
- (a) subsection (2) shall not apply, and
- (b) proceedings for the offence shall not be instituted without the consent of the Attorney General or the **[**[F1]Advocate General for Northern Ireland**]**.

Textual Amendments

F1 Words in s. 117(3)(b) substituted (*prosp.*) by 2002 c. 26, ss. 28, 87, **Sch. 7 para. 35**

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118 Defences.

(1) Subsection (2) applies where in accordance with a provision mentioned in subsection (5) it is a defence for a person charged with an offence to prove a particular matter.

(2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(3) Subsection (4) applies where in accordance with a provision mentioned in subsection (5) a court—
- (a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved, or
- (b) may accept a fact as sufficient evidence unless a particular matter is proved.

(4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in subsection (3)(a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.

(5) The provisions in respect of which subsections (2) and (4) apply are—
- (a) sections 12(4), 39(5)(a), 54, 57, 58, 77 and 103 of this Act, and
- (b) sections 13, 32 and 33 of the [M1]Northern Ireland (Emergency Provisions) Act 1996 (possession and information offences) as they have effect by virtue of Schedule 1 to this Act.

Marginal Citations
M1 1996 c. 22.

VALID FROM 31/10/2000

119 Crown servants, regulators, &c.

(1) The Secretary of State may make regulations providing for any of sections 15 to 23 and 39 to apply to persons in the public service of the Crown.

(2) The Secretary of State may make regulations providing for section 19 not to apply to persons who are in his opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.

(3) Regulations—
- (a) may make different provision for different purposes,
- (b) may make provision which is to apply only in specified circumstances, and
- (c) may make provision which applies only to particular persons or to persons of a particular description.

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VALID FROM 19/02/2001

120 Evidence.

(1) A document which purports to be—

(a) a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act, and

(b) signed by him or on his behalf,

shall be received in evidence and shall, until the contrary is proved, be deemed to have been given or made by the Secretary of State.

(2) A document bearing a certificate which—

(a) purports to be signed by or on behalf of the Secretary of State, and

(b) states that the document is a true copy of a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act,

shall be evidence (or, in Scotland, sufficient evidence) of the document in legal proceedings.

(3) In subsections (1) and (2) a reference to an order does not include a reference to an order made by statutory instrument.

(4) The [M2]Documentary Evidence Act 1868 shall apply to an authorisation given in writing by the Secretary of State for the purposes of this Act as it applies to an order made by him.

Marginal Citations

M2 1868 c. 37.

VALID FROM 13/04/2006

[[F2]120A Supplemental powers of court in respect of forfeiture orders

(1) Where court makes an order under section 54, 58 or 103 for the forfeiture of anything, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture.

(2) That provision may include, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.

(3) Provision made by virtue of this section may be varied at any time by the court that made it.**]**

Textual Amendments

F2 S. 120A inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 37(3)**; S.I. 2006/1013, **art. 2**

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VALID FROM 19/02/2001

121 Interpretation.

In this Act—

"act" and "action" include omission,

"article" includes substance and any other thing,

"customs officer" means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the [M3]Customs and Excise Management Act 1979,

"dwelling" means a building or part of a building used as a dwelling, and a vehicle which is habitually stationary and which is used as a dwelling,

"explosive" means—

(a) an article or substance manufactured for the purpose of producing a practical effect by explosion,

(b) materials for making an article or substance within paragraph (a),

(c) anything used or intended to be used for causing or assisting in causing an explosion, and

(d) a part of anything within paragraph (a) or (c),

"firearm" includes an air gun or air pistol,

"immigration officer" means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the [M4]Immigration Act 1971,

"the Islands" means the Channel Islands and the Isle of Man,

"organisation" includes any association or combination of persons,

"premises" includes any place and in particular includes—

(a) a vehicle,

(b) an offshore installation within the meaning given in section 44 of the [M5]Petroleum Act 1998, and

(c) a tent or moveable structure,

"property" includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

"public place" means a place to which members of the public have or are permitted to have access, whether or not for payment,

"road" has the same meaning as in the [M6]Road Traffic Act 1988 (in relation to England and Wales), the [M7]Roads (Scotland) Act 1984 (in relation to Scotland) and the [M8]Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland), and includes part of a road, and

"vehicle", except in sections 48 to 52 and Schedule 7, includes an aircraft, hovercraft, train or vessel.

Marginal Citations

M3 1979 c. 2.
M4 1971 c. 77.
M5 1998 c. 17.
M6 1988 c. 52.

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M7 1984 c. 54.
M8 S.I. 1997/276 (N.I. 2).

VALID FROM 19/02/2001

122 Index of defined expressions.

In this Act the expressions listed below are defined by the provisions specified.

Expression	*Interpretation provision*
Act	Section 121
Action	Section 121
Action taken for the purposes of terrorism	Section 1(5)
Article	Section 121
Authorised officer	Section 24(1)
Cash	Section 24(2)
Cordoned area	Section 33
Customs officer	Section 121
Dwelling	Section 121
Examining officer	Schedule 7, paragraph 1
Explosive	Section 121
Firearm	Section 121
Immigration officer	Section 121
The Islands	Section 121
Organisation	Section 121
Premises	Section 121
Property	Section 121
Proscribed organisation	Section 3(1)
Public place	Section 121
Road	Section 121
Scheduled offence (in Part VII)	Section 65
Terrorism	Section 1
Terrorist (in Part V)	Section 40
Terrorist investigation	Section 32
Terrorist property	Section 14
Vehicle	Section 121

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Vehicle (in sections 48 to 51)	Section 52

VALID FROM 31/10/2000

123 Orders and regulations.

(1) An order or regulations made by the Secretary of State under this Act—
- (a) shall be made by statutory instrument,
- (b) may contain savings and transitional provisions, and
- (c) may make different provision for different purposes.

(2) Subject to subsection (3), an order or regulations under any of the following provisions shall be subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) section 4(3);
- (b) section 24(2)(e);
- (c) section 72;
- (d) section 79(5);
- (e) section 80(9);
- (f) section 97(1) or (3);
- (g) section 100(1)(b);
- (h) section 119(1) or (2);
- (i) paragraph 52(1)(a) or (b) of Schedule 4;
- (j) paragraph 17(4) of Schedule 7;
- (k) paragraph 3(1)(b) of Schedule 8;
- (l) paragraph 19 of Schedule 8.

(3) In the cases of—
- (a) the first order to be made under paragraph 17(4) of Schedule 7, and
- (b) the first order to be made under paragraph 19 of Schedule 8,

the order shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (and subsection (2)(j) or (l) shall not apply).

(4) An order or regulations under any of the following provisions shall not be made, subject to subsection (5), unless a draft has been laid before and approved by resolution of each House of Parliament—
- (a) section 3(3);
- (b) section 53(2);
- (c) section 65(3);
- (d) section 96;
- (e) section 101(4);
- (f) section 112(2);
- (g) paragraph 2(2) of Schedule 1;
- (h) paragraph 6(2) or 7(3) of Schedule 6;
- (i) paragraph 16 of Schedule 7;
- (j) paragraph 3(2) of Schedule 8;
- (k) paragraph 4(4) of Schedule 8;

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(l) paragraph 4(1)(e) of Schedule 14;

(m) paragraph 7(3) of Schedule 14.

(5) An order or regulations under a provision mentioned in subsection (4), except for paragraph (b), may be made without a draft having been approved if the Secretary of State is of the opinion that it is necessary by reason of urgency; and the order—

(a) shall contain a declaration of the Secretary of State's opinion, and

(b) shall cease to have effect at the end of the period of 40 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House during that period.

(6) For the purposes of subsection (5)—

(a) a code of practice or revised code to which an order relates shall cease to have effect together with the order,

(b) an order's ceasing to have effect shall be without prejudice to anything previously done or to the making of a new order (or the issue of a new code), and

(c) the period of 40 days shall be computed in accordance with section 7(1) of the [M9]Statutory Instruments Act 1946.

(7) An order under paragraph 8(3) of Schedule 13 shall be laid before Parliament.

(8) Subsection (1)(a) does not apply to an order made—

(a) under section 94,

(b) by virtue of paragraph 36 of Schedule 4, or

(c) under or by virtue of any of paragraphs 19 to 21 of Schedule 5.

(9) Subsections (1)(a) and (4)(d) do not apply to an order made under regulations made under section 96.

Marginal Citations

M9 1946 c. 36.

VALID FROM 19/02/2001

124 Directions.

A direction given under this Act may be varied or revoked by a further direction.

VALID FROM 19/02/2001

125 Amendments and repeals.

(1) Schedule 15 (consequential amendments) shall have effect.

(2) The enactments listed in Schedule 16 are hereby repealed or revoked to the extent specified.

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VALID FROM 19/02/2001

126 Report to Parliament.

The Secretary of State shall lay before both Houses of Parliament at least once in every 12 months a report on the working of this Act.

VALID FROM 19/02/2001

127 Money.

The following shall be paid out of money provided by Parliament—

(a) any expenditure of a Minister of the Crown under or by virtue of this Act, and

(b) any increase in the sums payable out of money provided by Parliament under any other enactment.

128 Commencement.

The preceding provisions of this Act, apart from sections 2(1)(b) and (2) and 118 and Schedule 1, shall come into force in accordance with provision made by the Secretary of State by order.

Subordinate Legislation Made

P1 S. 128 power partly exercised (10.10.2000): 12.10.2000 appointed for specified provisions by S.I. 2000/2800, **art. 2**
S. 128 power partly exercised (27.10.2000): 31.10.2000 appointed for specified provisions by S.I. 2000/2944, **art. 2**
S. 128 power partly exercised: 19.2.2001 appointed for specified provisions by S.I. 2001/421, **art. 2**

129 Transitional provisions.

(1) Where, immediately before the coming into force of section 2(1)(a), a person is being detained by virtue of a provision of the [M10]Prevention of Terrorism (Temporary Provisions) Act 1989—

(a) the provisions of that Act shall continue to apply to him, in place of the corresponding provisions of this Act, until his detention comes to an end, and

(b) nothing in paragraph 5 or 8 of Schedule 15 shall have effect in relation to him during his detention.

(2) Where—

(a) a person is detained by virtue of a provision of the [M11]Northern Ireland (Emergency Provisions) Act 1996 (as continued in force by virtue of Schedule 1 to this Act), and

(b) the provision ceases to have effect,

he shall be treated as lawfully detained under any corresponding provision of this Act.

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(3) Where this Act repeals and re-enacts a provision of—

(a) the [M12]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M13]Northern Ireland (Emergency Provisions) Act 1996,

the repeal and re-enactment shall not, unless the contrary intention appears, affect the continuity of the law.

(4) A reference in this Act or any other enactment or instrument to a provision of this Act shall (so far as the context permits) be taken to include a reference to a corresponding provision repealed by this Act.

(5) The repeal by virtue of this Act of section 14 of the [M14]Northern Ireland (Emergency Provisions) Act 1996 (young persons convicted of scheduled offences) shall not affect its operation in relation to offences committed while it was in force.

(6) Any document made, served or issued after the commencement of paragraph (a) or (b) of section 2(1) which contains a reference to an enactment repealed by that paragraph shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of this Act.

(7) Any document made, served or issued after the commencement of this Act which contains a reference to a provision of this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of—

(a) the [M15]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M16]Northern Ireland (Emergency Provisions) Act 1996.

(8) Section 117 shall apply to the institution of proceedings after commencement of that section whether the offence to which the proceedings relate (which may, by virtue of subsection (4) above, be an offence under a provision repealed by this Act) is alleged to have been committed before or after commencement of that section.

Marginal Citations

M10 1989 c. 4.
M11 1996 c. 22.
M12 1989 c. 4.
M13 1996 c. 22.
M14 1996 c. 22.
M15 1989 c. 4.
M16 1996 c. 22.

130 Extent.

(1) Subject to subsections (2) to (6), this Act extends to the whole of the United Kingdom.

(2) Section 59 shall extend to England and Wales only.

(3) The following shall extend to Northern Ireland only—

(a) section 60, and

(b) Part VII.

(4) Section 61 shall extend to Scotland only.

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(5) In Schedule 5—

(a) Part I shall extend to England and Wales and Northern Ireland only, and

(b) Part II shall extend to Scotland only.

(6) The amendments and repeals in Schedules 15 and 16 shall have the same extent as the enactments to which they relate.

131 Short title.

This Act may be cited as the Terrorism Act 2000.

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