



Prevention of Terrorism (Temporary Provisions) Act 1974

CHAPTER 56

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ELIZABETH II



Prevention of Terrorism (Temporary Provisions) Act 1974

1974 CHAPTER 56

An Act to proscribe organisations concerned in terrorism, and to give power to exclude certain persons from Great Britain or the United Kingdom in order to prevent acts of terrorism, and for connected purposes.

[29th November 1974]

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:—

PART I

PROSCRIBED ORGANISATIONS

- 1.—(1) Subject to subsection (6) below, if any person—
- (a) belongs or professes to belong to a proscribed organisation;
 - (b) solicits or invites financial or other support for a proscribed organisation, or knowingly makes or receives any contribution in money or otherwise to the resources of a proscribed organisation; or
 - (c) arranges or assists in the arrangement or management of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting is to support, or to further the activities of, a proscribed organisation,

Proscribed organisations.

PART I

or is to be addressed by a person belonging or professing to belong to a proscribed organisation,

he shall be liable—

- (i) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both, and
- (ii) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or both.

(2) Any organisation for the time being specified in Schedule 1 to this Act is a proscribed organisation for the purposes of this Act; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.

(3) The Secretary of State may by order add to Schedule 1 to this Act any organisation that appears to him to be concerned in terrorism occurring in the United Kingdom and connected with Northern Irish affairs, or in promoting or encouraging it.

(4) The Secretary of State may also by order remove an organisation from Schedule 1 to this Act.

(5) In this section “organisation” includes an association or combination of persons.

(6) A person belonging to a proscribed organisation shall not be guilty of an offence under this section by reason of belonging to the organisation if he shows that he became a member when it was not a proscribed organisation and that he has not since then taken part in any of its activities at any time while it was a proscribed organisation.

In this subsection the reference to a person becoming a member of an organisation shall be taken to be a reference to the only or last occasion on which he became a member.

(7) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any money or other property which, at the time of the offence, he had in his possession or under his control for the use or benefit of the proscribed organisation.

Display of
support in
public for a
proscribed
organisation.

2.—(1) Any person who in a public place—

- (a) wears any item of dress, or
- (b) wears, carries or displays any article,

in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation, shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or both.

(2) A constable may arrest without warrant a person whom he reasonably suspects to be a person guilty of an offence under this section.

PART I

(3) In this section "public place" includes any highway and any other premises or place to which at the material time the public have, or are permitted to have, access whether on payment or otherwise.

PART II

EXCLUSION ORDERS

3.—(1) The Secretary of State may exercise the powers conferred on him by this Part of this Act in such way as appears to him expedient to prevent acts of terrorism (whether in Great Britain or elsewhere) designed to influence public opinion or Government policy with respect to affairs in Northern Ireland. Orders to prevent terrorism.

(2) In deciding whether to exercise his powers under this section in relation to a person who is ordinarily resident in Great Britain, the Secretary of State shall have regard to the question whether that person's connection with any territory outside Great Britain is such as to make it appropriate that an order should be made against him under this section.

(3) If the Secretary of State is satisfied that—

- (a) any person (whether in Great Britain or elsewhere) is concerned in the commission, preparation or instigation of acts of terrorism, or
- (b) any person is attempting or may attempt to enter Great Britain with a view to being concerned in the commission, preparation or instigation of acts of terrorism,

the Secretary of State may make an order against that person prohibiting him from being in, or entering, Great Britain.

(4) An order shall not be made under this section against a person who is a citizen of the United Kingdom and Colonies and who—

- (a) is at the time ordinarily resident in Great Britain, and has then been ordinarily resident in Great Britain throughout the last 20 years, or
- (b) was born in Great Britain and has, throughout his life, been ordinarily resident in Great Britain.

Paragraph (a) shall be construed in accordance with Schedule 2 to this Act.

(5) When any question arises under this Act whether or not a person is exempted by subsection (4) above, it shall lie on the person asserting it to prove that he is.

PART II (6) An order made under the preceding provisions of this section is referred to in this Act as an "exclusion order".

(7) An exclusion order may be revoked at any time by a further order made by the Secretary of State.

(8) If—

(a) a person subject to an exclusion order fails to comply with the order at a time after he has been served with notice of the making of the order, or

(b) a person is knowingly concerned in arrangements for securing or facilitating the entry into Great Britain of a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order, or

(c) a person knowingly harbours a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order,

he shall be liable—

(i) on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £400, or both, and

(ii) on conviction on indictment to imprisonment for a term not exceeding five years, or to a fine, or both.

Right to make representations to Secretary of State.

4.—(1) As soon as may be after the making of an exclusion order, notice of the making of the order shall be served on the person against whom it is made, and the notice shall—

(a) set out the rights of representation afforded to him by this section, and

(b) specify the manner in which those representations are to be made.

(2) Subsection (1) above shall not impose an obligation to take any steps to serve a notice on a person at a time when he is outside Great Britain.

(3) If the person served with notice objects to the order, he may within 48 hours of service of the notice make representations in writing to the Secretary of State setting out the grounds of his objection.

(4) Where representations are duly made under this section, the Secretary of State shall, unless he considers the grounds to be frivolous, refer the matter for the advice of one or more persons nominated by him.

(5) After receiving the objection and the report of the person or persons so nominated, the Secretary of State shall, as soon as may be, reconsider the case.

(6) Where representations are duly made under this section the Secretary of State shall, if it is reasonably practicable, notify the person against whom the order was made of any decision he takes as to whether or not to revoke the order. **PART II**

5. Where any person is subject to an exclusion order and notice of the order has been served on him, the Secretary of State may have that person removed from Great Britain if—

- (a) he consents, or
- (b) no representations have been duly made by him under section 4 above, or
- (c) where such representations have been duly made by him, he has been notified of the Secretary of State's decision not to revoke the order.

6.—(1) Where an exclusion order is made against a person who is not a citizen of the United Kingdom and Colonies it shall be an order prohibiting that person from being in, or entering, the United Kingdom. Exclusion orders against persons who are not citizens of the United Kingdom and Colonies.

(2) In relation to a person who is not a citizen of the United Kingdom and Colonies—

- (a) the last reference to Great Britain in section 3(2) and (3) above, and the reference to Great Britain in section 5 above, shall be construed as references to the United Kingdom, and
- (b) the reference in section 3(8)(b) above to Great Britain shall be construed as including a reference to Northern Ireland,

but this subsection has effect subject to any order under the following provisions of this section.

(3) The Secretary of State may by order provide that, in relation to a person who is not a citizen of the United Kingdom and Colonies, the provisions of sections 3, 4 and 5 of this Act shall have effect subject to such exceptions, adaptations or modifications as may be specified in the order.

(4) An order under this section—

- (a) may make different provision for different cases, and in particular provision distinguishing between presence or residence in Great Britain and presence or residence in Northern Ireland,
- (b) may exclude all or any of the provisions of subsection (2) above in all or any cases,
- (c) may include such supplemental or incidental provisions as appear to the Secretary of State expedient.

PART III

GENERAL AND MISCELLANEOUS

Powers of
arrest and
detention.

7.—(1) A constable may arrest without warrant a person whom he reasonably suspects to be—

- (a) a person guilty of an offence under section 1 or 3 of this Act ;
- (b) a person concerned in the commission, preparation or instigation of acts of terrorism ;
- (c) a person subject to an exclusion order.

(2) A person arrested under this section shall not be detained in right of the arrest for more than 48 hours after his arrest:

Provided that the Secretary of State may, in any particular case, extend the period of 48 hours by a further period not exceeding 5 days.

(3) The following provisions (requirement to bring arrested person before a court after his arrest) shall not apply to a person detained in right of the arrest.

The said provisions are—

1952 c. 55.

Section 38 of the Magistrates' Courts Act 1952,

1969 c. 54.

Section 29 of the Children and Young Persons Act 1969,

1954 c. 48.

Section 20(3) of the Summary Jurisdiction (Scotland) Act 1954,

1964 c. 21
(N.I.).

Section 132 of the Magistrates' Courts Act (Northern Ireland) 1964, and

1968 c. 34
(N.I.).

Section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968.

(4) In Scotland section 10(1) of the Summary Jurisdiction (Scotland) Act 1954 (chief constable may in certain cases accept bail) shall not apply to a person detained in right of an arrest under this section.

1967 c. 58.

1967 c. 18
(N.I.).

1973 c. 53.

(5) The provisions of this section are without prejudice to the power of arrest under section 2 of the Criminal Law Act 1967, section 2 of the Criminal Law Act (Northern Ireland) 1967 and section 10 of the Northern Ireland (Emergency Provisions) Act 1973.

Control of
entry
and procedure
for removal.

8.—(1) The Secretary of State may by order provide for—

- (a) the examination of persons arriving in, or leaving, Great Britain or Northern Ireland, with a view to determining—
 - (i) whether any such person appears to be a person concerned in the commission, preparation or instigation of acts of terrorism, or

- (ii) whether any such person is subject to an exclusion order, or
- (iii) whether there are grounds for suspecting that any such person has committed an offence under section 3(8) of this Act,
- (b) the arrest and detention of persons subject to exclusion orders, pending their removal pursuant to section 5 above, and
- (c) arrangements for the removal of persons pursuant to section 5 above.
- PART III

(2) An order under this section may confer powers on examining officers (appointed in accordance with paragraph 1(2) of Schedule 3 to this Act), including—

- (a) the power of arresting and detaining any person pending—
- (i) his examination,
- (ii) the taking of a decision by the Secretary of State as to whether or not to make an exclusion order against him, or
- (iii) his removal pursuant to section 5 above,
- (b) the power of searching persons, of boarding ships or aircraft, of searching in ships or aircraft, or elsewhere and of detaining articles—
- (i) for use in connection with the taking of a decision by the Secretary of State as to whether or not to make an exclusion order ; or
- (ii) for use as evidence in criminal proceedings.

- 9.—(1) In this Act, unless the context otherwise requires—
- “ aircraft ” includes hovercraft,
- “ captain ” means master (of a ship) or commander (of an aircraft),
- “ exclusion order ” has the meaning given by section 3(6) of this Act,
- “ port ” includes airport and hoverport,
- “ ship ” includes every description of vessel used in navigation,
- “ terrorism ” means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.
- Supplemental provisions.

(2) The powers conferred by Part II and section 8 of this Act shall be exercisable notwithstanding the rights conferred by section 1 of the Immigration Act 1971 (general principles 1971 c. 77. regulating entry into and staying in the United Kingdom).

PART III

(3) Any reference in a provision of this Act to a person's being concerned in the commission, preparation or instigation of acts of terrorism shall be taken to include a reference to his being so concerned at any time before the coming into force of that provision.

(4) The provisions of Schedule 3 to this Act shall have effect for supplementing sections 1 to 8 of this Act.

(5) Any power to make an order conferred by section 1, 6, 8 or 12 of this Act shall be exercisable by statutory instrument and shall include power to vary or revoke any order so made.

(6) An order made under section 6 or 8 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No order under section 1 or 12 of this Act shall be made unless—

(a) a draft of the order has been approved by resolution of each House of Parliament, or

(b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.

(8) Every order under section 1 or 12 of this Act (except such an order of which a draft has been so approved)—

(a) shall be laid before Parliament, and

(b) shall cease to have effect at the expiration of a period of 40 days beginning with the date on which it was made unless, before the expiration of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.

In reckoning for the purposes of this subsection any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

Financial provisions.

10. Any expenses incurred by the Secretary of State under, or by virtue of, this Act shall be paid out of money provided by Parliament.

Power to extend to Channel Islands and Isle of Man.

11.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands and the Isle of Man.

(2) An Order in Council under this section may be varied or revoked by a further Order in Council. PART III

12.—(1) Sections 1 to 8 of this Act shall remain in force until the expiry of the period of six months beginning with the passing of this Act and shall then expire unless continued in force by an order under this section. Duration,
expiry and
revival of Act.

(2) The Secretary of State may by order provide—

- (a) that all or any of the provisions of those sections which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding six months from the coming into operation of the order ;
- (b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or
- (c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.

(3) On the expiration of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if that provision of this Act was then repealed by another Act. 1889 c. 63.

13.—(1) This Act may be cited as the Prevention of Terrorism (Temporary Provisions) Act 1974. Short title and
extent.

(2) Part I of this Act shall not extend to Northern Ireland.

SCHEDULES

Section 1.

SCHEDULE 1 PROSCRIBED ORGANISATIONS Irish Republican Army

Section 3.

SCHEDULE 2

EXCLUSION ORDERS: CALCULATION OF PERIOD OF RESIDENCE

1.—(1) It is hereby declared that a person is not to be treated, for the purpose of the exemption in section 3(4)(a) of this Act for persons ordinarily resident in Great Britain, as ordinarily resident in Great Britain at a time when he is there in breach of—

- 1971 c. 77.
- (a) an exclusion order ;
 - (b) the Immigration Act 1971 ; or
 - (c) any law for purposes similar to that Act which is or was for the time being (before or after the passing of this Act) in force in any part of Great Britain.

(2) In that exemption “the last 20 years” is to be taken as a period amounting in total to 20 years exclusive of any time during which the person claiming exemption was undergoing imprisonment or detention by virtue of a sentence passed for an offence on a conviction in the United Kingdom and Islands, and the period for which he was imprisoned or detained by virtue of the sentence amounted to six months or more.

2. In this Schedule—

- (a) “sentence” includes any order made on conviction of an offence ;
- (b) two or more sentences for consecutive (or partly consecutive) terms shall be treated as a single sentence ;
- (c) a person shall be deemed to be detained by virtue of a sentence—
 - (i) at any time when he is liable to imprisonment or detention by virtue of the sentence, but is unlawfully at large ; and
 - (ii) during any period of custody by which under any relevant enactment the term to be served under the sentence is reduced ;
- (d) “Islands” means the Channel Islands and the Isle of Man.

1967 c. 80.
1962 c. 15.

3. In sub-paragraph (c)(ii) above “relevant enactment” means section 67 of the Criminal Justice Act 1967 (or before that section operated, section 17(2) of the Criminal Justice Administration Act 1962) and any similar enactment which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom or Islands.

SCHEDULE 3

Section 9.

SUPPLEMENTAL PROVISIONS FOR SECTIONS 1 TO 8

PART I

ORDERS UNDER SECTION 8

1.—(1) In this Part of this Schedule references to an order are to an order made under section 8 of this Act.

(2) An order shall provide for the appointment as examining officers of—

(a) constables,

(b) immigration officers appointed for the purposes of the Immigration Act 1971 under paragraph 1 of Schedule 2 to that Act, and

(c) officers of customs and excise who are the subject of arrangements for their employment as immigration officers, made by the Secretary of State under the said paragraph 1.

(3) In Northern Ireland members of Her Majesty's forces may perform such functions conferred on examining officers as are specified in the order.

(4) Where, by virtue of subsection (2)(b) of section 8, an order confers powers of search and of detaining articles on an examining officer, the order may also confer power on the examining officer to authorise any other person to exercise, on his behalf, any of the powers conferred by virtue of that subsection.

(5) An order may—

(a) in the case of ships and aircraft—

(i) coming to Great Britain from the Republic of Ireland, Northern Ireland, the Channel Islands or the Isle of Man, or

(ii) going from Great Britain to any other of those places,

restrict the ports, areas or places in Great Britain which they may use, and

(b) provide for the supply and use of—

(i) landing cards by passengers disembarking in Great Britain from ships or aircraft, and

(ii) embarkation cards by passengers boarding ships or aircraft about to leave Great Britain.

(6) The persons on whom duties may be imposed by the order shall include persons arriving in, or leaving, Great Britain or Northern Ireland whether as passengers or otherwise, and captains, owners or agents of ships or aircraft.

(7) Without prejudice to the generality of section 8 or of the preceding provisions of this paragraph, an order may contain such supplemental or incidental provisions as appear to the Secretary of State to be expedient, and may contain provisions comparable to those contained in or made under the following administrative provisions of the Immigration Act 1971, that is to say, section 33(3) (designation of ports of entry and exit) and the following paragraphs of Schedule 2:—

Paragraph

4 Duties of persons being examined, and powers to search them and their belongings.

SCH. 3

Paragraph

- 5 Orders about landing and embarkation cards.
 8, 10 and 11 ... Arrangements for the removal of persons.
 16, 17 and 18(3) ... Detention of persons liable to examination or
 removal.
 26 and 27 Supplemental duties of those connected with
 ships or aircraft or with ports.

(8) A person who knowingly contravenes or fails to comply with an order shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment for not more than three months, or both.

(9) Examining officers appointed in pursuance of sub-paragraph (2) above shall exercise their functions under this Act in accordance with such instructions as may from time to time be given them by the Secretary of State.

2.—(1) In the case of ships or aircraft—

(a) coming to Northern Ireland from any of the other places mentioned in paragraph 1(5) above, or

(b) going to Northern Ireland from any of those places,

an order may restrict the ports, areas or places in Northern Ireland which they may use.

(2) An order may provide for the supply and use of landing cards and embarkation cards by persons disembarking in Northern Ireland from ships or aircraft, or boarding ships or aircraft about to leave Northern Ireland.

3. An order may make such provision as appears to the Secretary of State expedient as respects persons who enter or leave Northern Ireland by land, or who seek to do so.

PART II

OFFENCES, DETENTION, ETC.

Prosecution of offences

4.—(1) Proceedings for an offence under section 1, 2 or 3 of this Act shall not be instituted in England or Wales, or (for section 3) in Northern Ireland, except by or with the consent of the Attorney General.

(2) Sub-paragraph (1) above shall not prevent the issue or execution of a warrant for the arrest of any person in respect of an offence, or the remanding in custody or on bail of any person charged with an offence.

Search warrants

5.—(1) If a justice of the peace is satisfied that there is reasonable ground for suspecting that—

(a) evidence of the commission of an offence under section 1 or 3 of this Act, or

(b) evidence sufficient to justify the making of an order under section 1 of this Act or an exclusion order,

is to be found at any premises or place, he may grant a search warrant authorising entry to the premises or place.

(2) An application for a warrant under sub-paragraph (1) above shall be made by a member of a police force of a rank not lower than the rank of an inspector, and he shall give his information to the justice on oath.

SCH. 3

(3) The warrant shall authorise the applicant, and any other member of any police force, to enter the premises or place, if necessary by force, and to search the premises or place and every person found therein and to seize anything found on the premises or place, or on any such person, which any member of a police force acting under the warrant has reasonable grounds for suspecting to be evidence falling within sub-paragraph (1) above.

(4) If a member of a police force of a rank not lower than the rank of superintendent has reasonable grounds for believing that the case is one of great emergency and that in the interests of the State immediate action is necessary, he may by a written order signed by him give to any member of a police force the authority which may be given by a search warrant under this paragraph.

(5) Where any authority is so given, particulars of the case shall be notified as soon as may be to the Secretary of State.

(6) No woman shall, in pursuance of a warrant or order given under this paragraph, be searched except by a woman.

(7) In the application of this paragraph to Scotland, for any reference to a justice of the peace there shall be substituted a reference to a sheriff or a magistrate or justice of the peace; and for any reference to information on oath there shall be substituted a reference to evidence on oath.

Detention : supplemental provisions

6.—(1) A person may be detained—

(a) in right of an arrest under section 7 of this Act, or

(b) under any provision contained in or made under section 8 of this Act, or Part I of this Schedule,

in such place as the Secretary of State may from time to time direct (when not detained in accordance with an order under section 8 of this Act on board a ship or aircraft).

(2) A person shall be deemed to be in legal custody at any time when he is so detained.

(3) Where a person is so detained, any examining officer, 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.

Powers of search without warrant

7.—(1) In any circumstances in which a constable has power under section 7 of this Act 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.

(2) Where a constable has arrested a person under the said section, for any reason other than for the commission of a criminal offence,

SCH. 3 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.

(3) No woman shall in pursuance of this paragraph be searched except by a woman.

Evidence in proceedings

8.—(1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of any provision contained in or made under this Act and to be signed by him or on his behalf shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or given by him.

(2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by the Secretary of State.

Application to Northern Ireland

9.—(1) This Part of this Schedule shall extend to Northern Ireland so far as it relates to an offence under section 3 of this Act in respect of an exclusion order which prohibits a person from being in, or entering, the United Kingdom (and not only Great Britain).

(2) The Secretary of State may by order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament make such adaptations of this Part of this Schedule as appear to him expedient for the purpose of its application to Northern Ireland in accordance with this paragraph.

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