



# Prevention of Terrorism (Temporary Provisions) Act 1989

## 1989 CHAPTER 4

### PART I

#### PROSCRIBED ORGANISATIONS

##### **1 Proscribed organisations**

- (1) 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.
- (2) The Secretary of State may by order made by statutory instrument—
  - (a) add to Schedule 1 to this Act any organisation that appears to him to be concerned in, or in promoting or encouraging, terrorism occurring in the United Kingdom and connected with the affairs of Northern Ireland;
  - (b) remove an organisation from that Schedule.
- (3) No order shall be made under this section unless—
  - (a) a draft of the order has been laid before and approved by a 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.
- (4) An order under this section of which a draft has not been approved under subsection (3) above—
  - (a) shall be laid before Parliament; and
  - (b) shall cease to have effect at the end of the period of forty days beginning with the day on which it was made unless, before the end of that period, the order has been approved by a resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.

- (5) In reckoning for the purposes of subsection (4) above any period of forty 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 four days.
- (6) In this section “organisation” includes any association or combination of persons.

## **2 Membership, support and meetings**

- (1) Subject to subsection (3) below, a person is guilty of an offence if he—
- (a) belongs or professes to belong to a proscribed organisation;
  - (b) solicits or invites support for a proscribed organisation other than support with money or other property; 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—
    - (i) to support a proscribed organisation;
    - (ii) to further the activities of such an organisation; or
    - (iii) to be addressed by a person belonging or professing to belong to such an organisation.
- (2) A person guilty of an offence under subsection (1) above is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (3) A person belonging to a proscribed organisation is not guilty of an offence under this section by reason of belonging to the organisation if he shows—
- (a) that he became a member when it was not a proscribed organisation under the current legislation; and
  - (b) that he has not since he became a member taken part in any of its activities at any time while it was a proscribed organisation under that legislation.
- (4) In subsection (3) above “the current legislation”, in relation to any time, means whichever of the following was in force at that time—
- (a) the Prevention of Terrorism (Temporary Provisions) Act 1974;
  - (b) the Prevention of Terrorism (Temporary Provisions) Act 1976;
  - (c) the Prevention of Terrorism (Temporary Provisions) Act 1984; or
  - (d) this Act.
- (5) The reference in subsection (3) above to a person becoming a member of an organisation is a reference to the only or last occasion on which he became a member.

## **3 Display of support in public**

- (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, is guilty of an offence and liable

on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

- (2) In Scotland a constable may arrest without warrant anyone whom he has reasonable grounds to suspect of being a person guilty of an offence under this section.
- (3) In this section “public place” includes any highway or, in Scotland, any road within the meaning of the Roads (Scotland) Act 1984 and any premises to which at the material time the public have, or are permitted to have, access, whether on payment or otherwise.

## PART II

### EXCLUSION ORDERS

#### 4 Exclusion orders: general

- (1) The Secretary of State may exercise the powers conferred on him by this Part of this Act in such a way as appears to him expedient to prevent acts of terrorism to which this Part of this Act applies.
- (2) The acts of terrorism to which this Part of this Act applies are acts of terrorism connected with the affairs of Northern Ireland.
- (3) An order under section 5, 6 or 7 below is referred to in this Act as an “exclusion order”.
- (4) Schedule 2 to this Act shall have effect with respect to the duration of exclusion orders, the giving of notices, the right to make representations, powers of removal and detention and other supplementary matters for this Part of this Act.
- (5) The exercise of the detention powers conferred by that Schedule shall be subject to supervision in accordance with Schedule 3 to this Act.

#### 5 Orders excluding persons from Great Britain

- (1) If the Secretary of State is satisfied that any person—
  - (a) is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this Part of this Act applies; or
  - (b) is attempting or may attempt to enter Great Britain with a view to being concerned in the commission, preparation or instigation of such acts of terrorism,the Secretary of State may make an exclusion order against him.
- (2) An exclusion order under this section is an order prohibiting a person from being in, or entering, Great Britain.
- (3) In deciding whether to make an exclusion order under this section against 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 country or territory outside Great Britain is such as to make it appropriate that such an order should be made.
- (4) An exclusion order shall not be made under this section against a person who is a British citizen and who—

- (a) is at the time ordinarily resident in Great Britain and has then been ordinarily resident in Great Britain throughout the last three years; or
- (b) is at the time subject to an order under section 6 below.

## **6 Orders excluding persons from Northern Ireland**

- (1) If the Secretary of State is satisfied that any person—
  - (a) is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this Part of this Act applies; or
  - (b) is attempting or may attempt to enter Northern Ireland with a view to being concerned in the commission, preparation or instigation of such acts of terrorism,the Secretary of State may make an exclusion order against him.
- (2) An exclusion order under this section is an order prohibiting a person from being in, or entering, Northern Ireland.
- (3) In deciding whether to make an exclusion order under this section against a person who is ordinarily resident in Northern Ireland, the Secretary of State shall have regard to the question whether that person's connection with any country or territory outside Northern Ireland is such as to make it appropriate that such an order should be made.
- (4) An exclusion order shall not be made under this section against a person who is a British citizen and who—
  - (a) is at the time ordinarily resident in Northern Ireland and has then been ordinarily resident in Northern Ireland throughout the last three years; or
  - (b) is at the time subject to an order under section 5 above.

## **7 Orders excluding persons from the United Kingdom**

- (1) If the Secretary of State is satisfied that any person—
  - (a) is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this Part of this Act applies; or
  - (b) is attempting or may attempt to enter Great Britain or Northern Ireland with a view to being concerned in the commission, preparation or instigation of such acts of terrorism,the Secretary of State may make an exclusion order against him.
- (2) An exclusion order under this section is an order prohibiting a person from being in, or entering, the United Kingdom.
- (3) In deciding whether to make an exclusion order under this section against a person who is ordinarily resident in the United Kingdom, the Secretary of State shall have regard to the question whether that person's connection with any country or territory outside the United Kingdom is such as to make it appropriate that such an order should be made.
- (4) An exclusion order shall not be made under this section against a person who is a British citizen.

## **8 Offences in respect of exclusion orders**

- (1) A person who is subject to an exclusion order is guilty of an offence if he fails to comply with the order at a time after he has been, or has become liable to be, removed under Schedule 2 to this Act.
- (2) A person is guilty of an offence—
  - (a) if he is knowingly concerned in arrangements for securing or facilitating the entry into Great Britain, Northern Ireland or the United Kingdom of a person whom he knows, or has reasonable grounds for believing, to be an excluded person; or
  - (b) if he knowingly harbours such a person in Great Britain, Northern Ireland or the United Kingdom.
- (3) In subsection (2) above “excluded person” means—
  - (a) in relation to Great Britain, a person subject to an exclusion order made under section 5 above who has been, or has become liable to be, removed from Great Britain under Schedule 2 to this Act;
  - (b) in relation to Northern Ireland, a person subject to an exclusion order made under section 6 above who has been, or has become liable to be, removed from Northern Ireland under that Schedule; and
  - (c) in relation to the United Kingdom, a person subject to an exclusion order made under section 7 above who has been, or has become liable to be, removed from the United Kingdom under that Schedule.
- (4) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

## **PART III**

### **FINANCIAL ASSISTANCE FOR TERRORISM**

## **9 Contributions towards acts of terrorism**

- (1) A person is guilty of an offence if he—
  - (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or
  - (b) receives or accepts from any other person, whether for consideration or not, any money or other property,intending that it shall be applied or used for the commission of, or in furtherance of or in connection with, acts of terrorism to which this section applies or having reasonable cause to suspect that it may be so used or applied.
- (2) A person is guilty of an offence if he—
  - (a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or
  - (b) enters into or is otherwise concerned in an arrangement whereby money or other property is or is to be made available to another person,

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knowing or having reasonable cause to suspect that it will or may be applied or used as mentioned in subsection (1) above.

- (3) The acts of terrorism to which this section applies are—
- (a) acts of terrorism connected with the affairs of Northern Ireland; and
  - (b) subject to subsection (4) below, 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.
- (4) Subsection (3)(b) above does not apply to an act done or to be done outside the United Kingdom unless it constitutes or would constitute an offence triable in the United Kingdom.
- (5) In proceedings against a person for an offence under this section in relation to an act within subsection (3)(b) above done or to be done outside the United Kingdom—
- (a) the prosecution need not prove that that person knew or had reasonable cause to suspect that the act constituted or would constitute such an offence as is mentioned in subsection (4) above; but
  - (b) it shall be a defence to prove that he did not know and had no reasonable cause to suspect that the facts were such that the act constituted or would constitute such an offence.

## **10 Contributions to resources of proscribed organisations**

- (1) A person is guilty of an offence if he—
- (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property for the benefit of a proscribed organisation;
  - (b) gives, lends or otherwise makes available or receives or accepts, whether for consideration or not, any money or other property for the benefit of such an organisation; or
  - (c) enters into or is otherwise concerned in an arrangement whereby money or other property is or is to be made available for the benefit of such an organisation.
- (2) In proceedings against a person for an offence under subsection (1)(b) above it is a defence to prove that he did not know and had no reasonable cause to suspect that the money or property was for the benefit of a proscribed organisation; and in proceedings against a person for an offence under subsection (1)(c) above it is a defence to prove that he did not know and had no reasonable cause to suspect that the arrangement related to a proscribed organisation.
- (3) In this section and sections 11 and 13 below “proscribed organisation” includes a proscribed organisation for the purposes of section 21 of the Northern Ireland (Emergency Provisions) Act 1978.

## **11 Assisting in retention or control of terrorist funds**

- (1) A person is guilty of an offence if he enters into or is otherwise concerned in an arrangement whereby the retention or control by or on behalf of another person of terrorist funds is facilitated, whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise.

- (2) In proceedings against a person for an offence under this section it is a defence to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist funds.
- (3) In this section and section 12 below “terrorist funds” means—
  - (a) funds which may be applied or used for the commission of, or in furtherance of or in connection with, acts of terrorism to which section 9 above applies;
  - (b) the proceeds of the commission of such acts of terrorism or of activities engaged in in furtherance of or in connection with such acts; and
  - (c) the resources of a proscribed organisation.
- (4) Paragraph (b) of subsection (3) includes any property which in whole or in part directly or indirectly represents such proceeds as are mentioned in that paragraph; and paragraph (c) of that subsection includes any money or other property which is or is to be applied or made available for the benefit of a proscribed organisation.

## **12 Disclosure of information about terrorist funds**

- (1) A person may notwithstanding any restriction on the disclosure of information imposed by contract disclose to a constable a suspicion or belief that any money or other property is or is derived from terrorist funds or any matter on which such a suspicion or belief is based.
- (2) A person who enters into or is otherwise concerned in any such transaction or arrangement as is mentioned in section 9, 10 or 11 above does not commit an offence under that section if he is acting with the express consent of a constable or if—
  - (a) he discloses to a constable his suspicion or belief that the money or other property concerned is or is derived from terrorist funds or any matter on which such a suspicion or belief is based; and
  - (b) the disclosure is made after he enters into or otherwise becomes concerned in the transaction or arrangement in question but is made on his own initiative and as soon as it is reasonable for him to make it,but paragraphs (a) and (b) above do not apply in a case where, having disclosed any such suspicion, belief or matter to a constable and having been forbidden by a constable to enter into or otherwise be concerned in the transaction or arrangement in question, he nevertheless does so.
- (3) In proceedings against a person for an offence under section 9(1)(b) or (2), 10(1)(b) or (c) or 11 above it is a defence to prove—
  - (a) that he intended to disclose to a constable such a suspicion, belief or matter as is mentioned in paragraph (a) of subsection (2) above; and
  - (b) that there is a reasonable excuse for his failure to make the disclosure as mentioned in paragraph (b) of that subsection.

## **13 Penalties and forfeiture**

- (1) A person guilty of an offence under section 9, 10 or 11 above is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

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- (2) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 9(1) or (2)(a) above may order the forfeiture of any money or other property—
- (a) which, at the time of the offence, he had in his possession or under his control; and
  - (b) which, at that time—
    - (i) in the case of an offence under subsection (1) of section 9, he intended should be applied or used, or had reasonable cause to suspect might be applied or used, as mentioned in that subsection;
    - (ii) in the case of an offence under subsection (2)(a) of that section, he knew or had reasonable cause to suspect would or might be applied or used as mentioned in subsection (1) of that section.
- (3) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 9(2)(b), 10(1)(c) or 11 above may order the forfeiture of the money or other property to which the arrangement in question related and which, in the case of an offence under section 9(2)(b), he knew or had reasonable cause to suspect would or might be applied or used as mentioned in section 9(1) above.
- (4) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 10(1)(a) or (b) above 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 a proscribed organisation.
- (5) The court shall not under this section make an order forfeiting any money or other property unless the court considers that the money or property may, unless forfeited, be applied or used as mentioned in section 9(1) above but the court may, in the absence of evidence to the contrary, assume that any money or property may be applied or used as there mentioned.
- (6) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making such an order in respect of it, give him an opportunity to be heard.
- (7) A court in Scotland shall not make an order under subsection (2), (3) or (4) above except on the application of the prosecutor when he moves for sentence; and for the purposes of any appeal or review an order under any of those subsections made by a court in Scotland is a sentence.
- (8) Schedule 4 to this Act shall have effect in relation to orders under this section.

## 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.
- (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.

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- (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—
- “(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.

## PART V

### INFORMATION, PROCEEDINGS AND INTERPRETATION

#### 17 Investigation of terrorist activities

- (1) Schedule 7 to this Act shall have effect for conferring powers to obtain information for the purposes of terrorist investigations, that is to say—
- (a) investigations into—
    - (i) the commission, preparation or instigation of acts of terrorism to which section 14 above applies; or
    - (ii) any other act which appears to have been done in furtherance of or in connection with such acts of terrorism, including any act which appears to constitute an offence under section 2, 9, 10 or 11 above or section 21 of the Northern Ireland (Emergency Provisions) Act 1978; or
    - (iii) without prejudice to sub-paragraph (ii) above, the resources of a proscribed organisation within the meaning of this Act or a proscribed organisation for the purposes of section 21 of the said Act of 1978; and
  - (b) investigations into whether there are grounds justifying the making of an order under section 1(2)(a) above or section 21(4) of that Act.
- (2) Where in relation to a terrorist investigation a warrant or order under Schedule 7 to this Act has been issued or made or has been applied for and not refused, a person is guilty of an offence if, knowing or having reasonable cause to suspect that the investigation is taking place, he—
- (a) makes any disclosure which is likely to prejudice the investigation; or
  - (b) falsifies, conceals or destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, material which is or is likely to be relevant to the investigation.
- (3) In proceedings against a person for an offence under subsection (2)(a) above it is a defence to prove—
- (a) that he did not know and had no reasonable cause to suspect that the disclosure was likely to prejudice the investigation; or
  - (b) that he had lawful authority or reasonable excuse for making the disclosure.
- (4) In proceedings against a person for an offence under subsection (2)(b) above it is a defence to prove that he had no intention of concealing any information contained in the material in question from the persons carrying out the investigation.
- (5) A person guilty of an offence under subsection (2) above is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both;

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- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

## **18 Information about acts of terrorism**

- (1) A person is guilty of an offence if he has information which he knows or believes might be of material assistance—
  - (a) in preventing the commission by any other person of an act of terrorism connected with the affairs of Northern Ireland; or
  - (b) in securing the apprehension, prosecution or conviction of any other person for an offence involving the commission, preparation or instigation of such an act,and fails without reasonable excuse to disclose that information as soon as reasonably practicable—
  - (i) in England and Wales, to a constable;
  - (ii) in Scotland, to a constable or the procurator fiscal; or
  - (iii) in Northern Ireland, to a constable or a member of Her Majesty's Forces.
- (2) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (3) 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) above.

## **19 Prosecutions and evidence**

- (1) Proceedings shall not be instituted—
  - (a) in England and Wales for an offence under section 2, 3, 8, 9, 10, 11, 17 or 18 above or Schedule 7 to this Act except by or with the consent of the Attorney General; or
  - (b) in Northern Ireland for an offence under section 8, 9, 10, 11, 17 or 18 above or Schedule 7 to this Act except by or with the consent of the Attorney General for Northern Ireland.
- (2) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of any provision of 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.
- (3) 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 such an order, notice or direction shall, in any legal proceedings, be evidence, and in Scotland sufficient evidence, of the order, notice or direction.

## **20 Interpretation**

(1) In this Act—

“aircraft” includes hovercraft;

“captain” means master of a ship or commander of an aircraft;

“examining officer” has the meaning given in paragraph 1 of Schedule 5 to this Act;

“exclusion order” has the meaning given by section 4(3) above but subject to section 25(3) below;

“the Islands” means the Channel Islands or the Isle of Man;

“port” includes airport and hoverport;

“premises” includes any place and in particular includes—

(a) any vehicle, vessel or aircraft;

(b) any offshore installation as defined in section 1 of the Mineral Workings (Offshore Installations) Act 1971; and

(c) any 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;

“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;

“vehicle” includes a train and carriages forming part of a train.

(2) A constable or examining officer may, if necessary, use reasonable force for the purpose of exercising any powers conferred on him under or by virtue of any provision of this Act other than paragraph 2 of Schedule 5; but this subsection is without prejudice to any provision of this Act, or of any instrument made under it, which implies that a person may use reasonable force in connection with that provision.

(3) The powers conferred by Part II and section 16 of, and Schedules 2 and 5 to, this Act shall be exercisable notwithstanding the rights conferred by section 1 of the Immigration Act 1971 (general principles regulating entry into and stay in the United Kingdom).

(4) Any reference in a provision of this Act to a person having been concerned in the commission, preparation or instigation of acts of terrorism shall be taken to be a reference to his having been so concerned at any time, whether before or after the passing of this Act.

## **PART VI**

### **FURTHER PROVISIONS FOR NORTHERN IRELAND**

## **21 Search for munitions etc**

(1) The powers conferred by this section shall be exercisable by a person (whether a member of Her Majesty’s forces or a constable) carrying out a search under section 15(1) or (2) of the Northern Ireland (Emergency Provisions) Act 1978 (search for munitions, radio transmitters and scanning receivers).

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

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- (2) If the person carrying out the search reasonably believes that it is necessary to do so for the purpose of effectively carrying out the search or of preventing the frustration of its object he may—
  - (a) require any person who when the search begins is on, or during the search enters, the premises or other place where the search is carried out (“the place of search”) to remain in, or in a specified part of, that place, to refrain from entering a specified part of it or to go from one specified part of it to another specified part;
  - (b) require any person who is not resident in the place of search to refrain from entering it; and
  - (c) use reasonable force to secure compliance with any such requirement.
- (3) Where by virtue of section 20 of the said Act of 1978 a search under section 15(1) or (2) of that Act is carried out in relation to a vessel, aircraft or vehicle, the person carrying out the search may, if he reasonably believes that it is necessary to do so for the purpose mentioned in subsection (2) above—
  - (a) require any person in or on the vessel, aircraft or vehicle to remain with it or, in the case of a vessel or vehicle which by virtue of section 20(4) of that Act is removed for the purpose of the search, to go to and remain at the place to which it is removed; and
  - (b) use reasonable force to secure compliance with any such requirement.
- (4) No requirement imposed under this section shall have effect after the conclusion of the search in relation to which it was imposed; and no such requirement shall be imposed or have effect after the end of the period of four hours beginning with the time when that or any other requirement was first imposed under this section in relation to the search in question but a police officer of at least the rank of superintendent may extend that period by a further period of four hours if he reasonably believes that it is necessary to do so for the purpose mentioned in subsection (2) above.
- (5) A person who wilfully fails to comply with a requirement imposed under this section or wilfully obstructs, or seeks to frustrate the object of, a search in relation to which such a requirement has been or could be imposed is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (6) Sections 13 and 14 of the said Act of 1978 (powers of arrest) and section 29 of that Act (restriction of prosecutions) shall apply to an offence under subsection (5) above.
- (7) At the end of section 15(3)(b) of the said Act of 1978 (power to search persons) there shall be inserted the words “and search any person entering or found in a dwelling-house entered under subsection (2) above”.
- (8) The powers conferred by this section are without prejudice to any powers exercisable apart from this section where a member of Her Majesty’s forces or a constable is exercising a power of search.

## **22 Restricted remission for persons sentenced for scheduled offences**

- (1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence within the meaning of the Northern

Ireland (Emergency Provisions) Act 1978 shall not, where it is for a term of five years or more, exceed one-third of that term.

- (2) Where a person is sentenced on the same occasion for two or more such offences to terms which are consecutive subsection (1) above shall apply as if those terms were a single term.
- (3) Where a person is serving two or more terms which are consecutive but not all subject to subsection (1) above, the maximum remission granted under prison rules in respect of those terms taken together shall be arrived at by calculating the maximum remission for each term separately and aggregating the result.
- (4) In this section “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953.
- (5) The Secretary of State may by order made by statutory instrument substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1) above; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies where the scheduled offence is committed while this section is in force.

## **23 Conviction of scheduled offence during period of remission**

- (1) This section applies where a person who has been sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year—
  - (a) is discharged from prison or the centre in pursuance of prison rules; and
  - (b) before that sentence or term of detention would (but for that discharge) have expired he commits, and is convicted on indictment of, a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1978.
- (2) If the court before which he is convicted of the scheduled offence sentences him to imprisonment or a term of detention it shall in addition order him to be returned to prison or, where appropriate, to a young offenders centre for the period between the date of the order and the date on which the sentence of imprisonment or term of detention mentioned in subsection (1) above would have expired but for his discharge.
- (3) No order shall be made under subsection (2) above if the sentence imposed by the court is a suspended sentence or a sentence of life imprisonment or of detention during the Secretary of State’s pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968; and any order made by a court under that subsection shall cease to have effect if an appeal results in the acquittal of the person concerned or in the substitution of a sentence other than one in respect of which the duty imposed by that subsection applies.
- (4) The period for which a person is ordered under this section to be returned to prison or a young offenders centre—
  - (a) shall be taken to be a sentence of imprisonment or term of detention for the purposes of the Prison Act (Northern Ireland) 1953 and for the purposes of the Treatment of Offenders Act (Northern Ireland) 1968 other than section 26(2) (reduction for time spent in custody);
  - (b) shall not be subject to any provision of prison rules for discharge before expiry; and

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

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- (c) shall be served before, and be followed by, the sentence or term imposed for the scheduled offence and be disregarded in determining the appropriate length of that sentence or term.
- (5) For the purposes of this section a certificate purporting to be signed by the governor or deputy governor of a prison or young offenders centre which specifies—
- (a) the date on which a person was discharged from prison or a young offenders centre;
  - (b) the sentence or term which the person was serving at the time of his discharge, the offence in respect of which the sentence or term was imposed and the date on which he was convicted of that offence;
  - (c) the date on which the person would, but for his discharge in pursuance of prison rules, have been discharged from prison or a young offenders centre,
- shall be evidence of the matters so specified.
- (6) In this section—
- “prison rules” means rules made under section 13 of the Prison Act (Northern Ireland) 1953;
  - “sentence of imprisonment” does not include a committal in default of payment of any sum of money or for want of sufficient distress to satisfy any sum of money or for failure to do or abstain from doing anything required to be done or left undone;
  - “young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968.
- (7) For the purposes of subsection (1) above consecutive terms of imprisonment or of detention in a young offenders centre shall be treated as a single term and a sentence of imprisonment or detention in a young offenders centre includes—
- (a) a sentence or term passed by a court in the United Kingdom, the Channel Islands or the Isle of Man;
  - (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence within the meaning of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.
- (8) The Secretary of State may by order made by statutory instrument substitute a different period for the period of one year mentioned in subsection (1) above; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) This section applies where the scheduled offence is committed while this section is in force but irrespective of when the discharge from prison or a young offenders centre took place.

## **24 Explosives factories, magazines and stores**

- (1) The grounds on which the Secretary of State may reject an application for a licence under section 6 of the Explosives Act 1875 (new explosives factories and magazines) shall include the ground that the establishment of the factory or magazine in question is undesirable in the interests of safeguarding national security or protecting public safety; and a licence granted under that section may be withdrawn by him on that ground at any time before it comes into force.



- (2) The Secretary of State may also refuse a licence under section 15 or registration under section 21 of that Act (explosives stores and other premises for keeping explosives) on the ground that the establishment of the store or, as the case may be, the keeping of explosives on the premises in question is undesirable in the interests of safeguarding national security or protecting public safety.

## PART VII

### SUPPLEMENTARY

#### **25 Consequential amendments, repeals and transitional provisions**

- (1) The enactments mentioned in Schedule 8 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Part I of Schedule 9 to this Act are hereby repealed to the extent specified in the third column of that Schedule; and the Orders mentioned in Part II of that Schedule are hereby revoked.
- (3) Any exclusion order in force under any provision of Part II of the Prevention of Terrorism (Temporary Provisions) Act 1984 (“the former Act”) shall have effect as if made under the corresponding provision of Part II of this Act and references in this Act to an exclusion order shall be construed accordingly.
- (4) Any person who immediately before 22nd March 1989 is being detained under any provision of the former Act or of an order made under section 13 of that Act shall be treated as lawfully detained under the corresponding provision of this Act.
- (5) Paragraph 2 of Schedule 5 to this Act shall not apply in relation to a person whose examination under any corresponding provision of an order made under section 13 of the former Act has begun but has not been concluded before the coming into force of that paragraph, and that provision shall continue to apply to him but any reference in this Act to examination under that paragraph shall include a reference to examination under that corresponding provision.
- (6) The expiry of the former Act and its repeal by this Act shall not affect the operation of any Order in Council extending it to any of the Channel Islands or the Isle of Man; but any such Order may be revoked as if made under section 28(3) below and, notwithstanding anything contained in any such Order, shall continue in operation until revoked.

#### **26 Expenses and receipts**

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred under this Act by the Secretary of State or the Lord Advocate; and
- (b) any increase attributable to this Act in the sums payable out of such money under any other Act;

and any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

**27 Commencement and duration**

- (1) Subject to subsections (2), (3) and (4) below, this Act shall come into force on 22nd March 1989.
- (2) Sections 22 to 24 shall come into force on the day after that on which this Act is passed.
- (3) Schedule 3 and paragraphs 8 to 10, 18 to 20, 28 to 30 and 34 of Schedule 4 shall come into force on such day as the Secretary of State may appoint by an order made by statutory instrument; and different days may be appointed for different provisions or different purposes and for England and Wales, for Scotland and for Northern Ireland.
- (4) The repeal by Schedule 9 of paragraph 9 of Schedule 7 shall come into force on the coming into force of the Land Registration Act 1988.
- (5) The provisions of Parts I to V of this Act and of subsection (6)(c) below shall remain in force until 22nd March 1990 and shall then expire unless continued in force by an order under subsection (6) below.
- (6) The Secretary of State may by order made by statutory instrument provide—
  - (a) that all or any of those provisions which are for the time being in force (including any in force by virtue of an order under this paragraph or paragraph (c) below) shall continue in force for a period not exceeding twelve months from the coming into operation of the order;
  - (b) that all or any of those provisions which are for the time being in force shall cease to be in force; or
  - (c) that all or any of those provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding twelve months from the coming into operation of the order.
- (7) No order shall be made under subsection (6) above unless—
  - (a) a draft of the order has been laid before and approved by a 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) An order under that subsection of which a draft has not been approved under section (7) above—
  - (a) shall be laid before Parliament; and
  - (b) shall cease to have effect at the end of the period of forty days beginning with the day on which it was made unless, before the end of that period, the order has been approved by a resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.
- (9) In reckoning for the purposes of subsection (8) above the period of forty 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 four days.
- (10) In subsection (5) above the reference to Parts I to V of this Act does not include a reference to the provisions of Parts III and V so far as they have effect in Northern Ireland and relate to proscribed organisations for the purposes of section 21 of the Northern Ireland (Emergency Provisions) Act 1978 or offences or orders under that section.

- (11) The provisions excluded by subsection (10) above from subsection (5) and the provisions of sections 21 to 24 above shall remain in force until 22nd March 1990 and then expire but shall be—
- (a) included in the provisions to which subsection (3) of section 33 of the said Act of 1978 applies (provisions that can be continued in force, repealed or revived by order); and
  - (b) treated as part of that Act for the purposes of subsection (9) of that Act (repeal on 14th May 1992).
- (12) The expiry or cesser of sections 22 and 23 above shall not affect the operation of those sections in relation to an offence committed while they were in force.

## **28 Short title and extent**

- (1) This Act may be cited as the Prevention of Terrorism (Temporary Provisions) Act 1989.
- (2) This Act extends to the whole of the United Kingdom except that—
- (a) Part I and section 15(1) do not extend to Northern Ireland and sections 21 to 24, Part III of Schedule 4 and the repeal in Schedule 9 relating to the Explosives Act 1875 extend only to Northern Ireland;
  - (b) section 15(10), Part I of Schedule 4 and paragraph 7(6) of Schedule 5 extend only to England and Wales;
  - (c) Part II of Schedule 4 and Part II of Schedule 7 extend only to Scotland;
  - (d) Part I of Schedule 7 extends only to England, Wales and Northern Ireland; and
  - (e) subject to paragraph (a) above, the amendments and repeals in Schedules 8 and 9 have the same extent as the enactments to which they refer.
- (3) 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.