



# Prevention of Terrorism (Temporary Provisions) Act 1989

## 1989 CHAPTER 4

### 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.