Terrorism Act 2000

2000 CHAPTER 11

PART VII

NORTHERN IRELAND

Modifications etc. (not altering text)

C1 Pt. VII (ss. 65-113): for the duration of Pt. VII see ss. 112, 113 by virtue of 2000 c. 11, **ss. 112(1)(4)**, 128
Pt. VII (ss. 65-113) continued (*temp.* from 19.2.2002 until 18.2.2003) by S.I. 2002/365, **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2003 until 18.2.2004) by The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2004 until 18.2.2005) by The Terrorism Act 2000 (Continuance of Part VII) Order 2004 (S.I. 2004/431), **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2005 until 18.2.2006) by The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), **art. 2**
Pt. VII (except s. 78) continued (temp. from 19.2.2006 until 31.7.2007) by Terrorism (Northern Ireland) Act 2006 (c. 4), **s. 1(1)(2)**
Pt. VII: power to continue specified provisions conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(3)}, 2(1)(2)

C2 Pt. VII: saving (at the end of 31.7.2007 in accordance with art. 1(3)) for effect of Terrorism (Northern Ireland) Act 2006 (c. 6), s. 1(2)(b) with transitional provisions and savings in The Terrorism (Northern Ireland) Act 2006 (Transitional Provisions and Savings) Order 2007 (S.I. 2007/2259), **arts. 3**, 5, Sch.

Scheduled offences

65 Scheduled offence: interpretation.

(1) In this Part "scheduled offence" means, subject to any relevant note in Part I or III of Schedule 9, an offence specified in either of those Parts.

(2) Part II of that Schedule shall have effect in respect of offences related to those specified in Part I.

Status: *Point in time view as at 30/08/2005.*
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(3) The Secretary of State may by order—
- (a) add an offence to Part I or II of Schedule 9;
- (b) remove an offence from Part I or II of that Schedule;
- (c) amend Part I or II of that Schedule in some other way.

66 Preliminary inquiry.

(1) In proceedings before a magistrates' court for a scheduled offence, if the prosecution requests the court to conduct a preliminary inquiry into the offence the court shall grant the request.

(2) In subsection (1) "preliminary inquiry" means a preliminary inquiry under the [M1]Magistrates' Courts (Northern Ireland) Order 1981.

(3) Subsection (1)—
- (a) shall apply notwithstanding anything in Article 31 of that Order,
- (b) shall not apply in respect of an offence where the court considers that in the interests of justice a preliminary investigation should be conducted into the offence under that Order, and
- (c) shall not apply in respect of an extra-territorial offence (as defined in section 1(3) of the [M2]Criminal Jurisdiction Act 1975)).

(4) Where a person charged with a scheduled offence is also charged with a non-scheduled offence, the non-scheduled offence shall be treated as a scheduled offence for the purposes of this section.

Marginal Citations

M1 S.I. 1981/1675 (N.I. 26).

M2 1975 c. 59.

67 Limitation of power to grant bail.

(1) This section applies to a person who—
- (a) has attained the age of fourteen, and
- (b) is charged with a scheduled offence which is neither being tried summarily nor certified by the Director of Public Prosecutions for Northern Ireland as suitable for summary trial.

(2) Subject to subsections (6) and (7), a person to whom this section applies shall not be admitted to bail except—
- (a) by a judge of the High Court or the Court of Appeal, or
- (b) by the judge of the court of trial on adjourning the trial of a person charged with a scheduled offence.

[[F1](3) A judge may, in his discretion, admit a person to whom this section applies to bail unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would—
- (a) fail to surrender to custody,
- (b) commit an offence while on bail,

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(c) interfere with a witness,

(d) otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person, or

(e) fail to comply with conditions of release (if any).

(4) In exercising his discretion in relation to a person under subsection (3) a judge shall have regard to such of the following considerations as he considers relevant (as well as to any others which he considers relevant)—

(a) the nature and seriousness of the offence with which the person is charged,

(b) the character, antecedents, associations and community ties of the person,

(c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail, and

(d) the strength of the evidence of his having committed the offence.**]**

(5) Without prejudice to any other power to impose conditions on admission to bail, a judge admitting a person to bail under this section may impose such conditions as he considers—

(a) likely to result in the person's appearance at the time and place required, or

(b) necessary in the interests of justice or for the prevention of crime.

(6) Subsection (7) applies where a person to whom this section applies is a serving member of—

(a) any of Her Majesty's forces, or

(b) the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

(7) Where this subsection applies to a person he may be admitted to bail on condition that he is held in military or police custody if the person granting bail is satisfied that suitable arrangements have been made; and—

(a) bail on that condition may be granted by a judge or a resident magistrate, and

(b) it shall be lawful for the person to be held in military or police custody in accordance with the conditions of his bail.

Textual Amendments

F1 S. 67(3)(4) ceased to have effect (19.2.2005) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), **art. 2(2)(a)**

68 Bail: legal aid.

(1) Where it appears to a judge of the High Court or the Court of Appeal—

(a) that a person charged with a scheduled offence intends to apply to be admitted to bail,

(b) that it is desirable in the interests of justice that he should have legal aid, and

(c) that he has not sufficient means to enable him to obtain that aid,

the judge may assign to him a solicitor and counsel, or counsel only, in the application for bail.

(2) If on a question of granting a person free legal aid under this section there is a doubt—

(a) whether his means are sufficient to enable him to obtain legal aid, or

(b) whether it is desirable in the interests of justice that he should have free legal aid,

the doubt shall be resolved in favour of granting him free legal aid.

(3) Articles 32, 36 and 40 of the [M3]Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (statements, payments, rules and stamp duty) shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part III of that Order as if legal aid under this section were given in pursuance of a criminal aid certificate under Article 29 of that Order.

Marginal Citations

M3 S.I. 1981/228 (N.I. 8).

69 Maximum period of remand in custody.

(1) The period for which a person charged with a scheduled offence may be remanded in custody by a magistrates' court shall be a period of not more than 28 days beginning with the day following that on which he is remanded.

(2) Subsection (1) has effect—

(a) notwithstanding Article 47(2) [F2]. . . of the [M4]Magistrates' Courts (Northern Ireland) Order 1981, and

(b) whether or not a person is also charged with a non-scheduled offence.

Textual Amendments

F2 Words in s. 69(2)(a) repealed (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)), art. 36(2), **Sch. 2**; S.R. 2003/352, **art. 2**

Marginal Citations

M4 S.I. 1981/1675 (N.I. 26).

[[F3]70 Young persons: custody on remand, &c.

(1) While a young person charged with a scheduled offence is remanded or committed for trial and not released on bail, he may be held in custody in such prison or other place as may be specified in a direction given by the Secretary of State under this section.

(2) Subsection (1) shall have effect in respect of a person—

(a) notwithstanding the provisions of any enactment, and

(b) whether or not he was remanded or committed for trial at a time when this section was not in force.

(3) The Secretary of State may give a direction under this section in respect of a person if he considers it necessary to make special arrangements as to the place at which the person is to be held in order—

(a) to prevent his escape, or

(b) to ensure his safety or the safety of others.

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(4) The Secretary of State may give a direction under this section at any time after the person to whom it relates has been charged.

(5) In this section "young person" means a person who—

(a) has attained the age of fourteen, and

(b) has not attained the age of eighteen **]**.

Textual Amendments

F3 S. 70 ceased to have effect (19.2.2005) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), **art. 2(2)(b)**

[F4 71 Directions under section 70.

(1) A direction under section 70 shall cease to have effect at the expiry of the period specified in the direction unless—

(a) it has previously ceased to have effect, or

(b) it is continued in force by a further direction.

(2) The specified period shall not end after the end of the period of two months beginning with the date of the direction.

(3) Where—

(a) a person is held in custody in a prison or other place by virtue of a direction, and

(b) the direction ceases to have effect (whether or not by reason of the expiry or cesser of section 70),

it shall be lawful for him to continue to be held in custody in that prison or place until arrangements can be made for him to be held in custody in accordance with the law then applicable to his case.

(4) Nothing in subsection (3) shall be taken as permitting the holding in custody of a person who is entitled to be released from custody.**]**

Textual Amendments

F4 S. 71 ceased to have effect (19.2.2005) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), **art. 2(2)(c)**

72 Time limits for preliminary proceedings.

(1) The Secretary of State may by regulations make provision, in respect of a specified preliminary stage of proceedings for a scheduled offence, as to the maximum period—

(a) to be allowed to the prosecution to complete the stage;

(b) during which the accused may, while awaiting completion of the stage, be in the custody of a magistrates' court or the Crown Court in relation to the offence.

(2) The regulations may, in particular—

(a) provide for a specified law about bail to apply in relation to cases to which custody or overall time limits apply (subject to any modifications which the Secretary of State considers it necessary to specify in the regulations);

(b) provide for time limits to cease to have effect in cases where the Attorney General for Northern Ireland certifies after the institution of proceedings that an offence is not to be treated as a scheduled offence;

(c) make such provision with respect to the procedure to be followed in criminal proceedings as the Secretary of State considers appropriate in consequence of another provision of the regulations;

(d) make provision which has effect in relation to a non-scheduled offence where separate counts of an indictment allege a scheduled offence and a non-scheduled offence;

(e) enable the Crown Court in specified circumstances to extend or further extend a time limit at any time before it expires.

(3) Subject to subsection (4), where an overall time limit expires before the completion of the stage of proceedings to which the limit applies, the accused shall be treated for all purposes as having been acquitted of the offence to which the proceedings relate.

(4) Regulations under this section which provide for a custody time limit in relation to a preliminary stage shall have no effect where—

(a) a person escapes from the custody of a magistrates' court or the Crown Court before the expiry of the custody time limit,

(b) a person who has been released on bail in consequence of the expiry of a custody time limit fails to surrender himself into the custody of the court at the appointed time, or

(c) a person who has been released on bail in consequence of the expiry of a custody time limit is arrested by a constable in connection with a breach or apprehended breach of a condition of his bail.

(5) If a person escapes from the custody of a magistrates' court or the Crown Court, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the escape shall cease to have effect in relation to those proceedings.

(6) If a person who has been released on bail fails to surrender himself into the custody of the court at the appointed time, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the failure shall cease to have effect in relation to those proceedings.

[[F5](7) Any period during which proceedings for an offence are adjourned pending the determination of an appeal under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals) shall be disregarded, so far as the offence is concerned, for the purposes of the overall time limit and the custody time limit which applies to the stage which the proceedings have reached when they are adjourned**]**

Textual Amendments

F5 S. 72(7) inserted (18.4.2005) by The Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I. 9)), **art. 29(2)**; S.R. 2005/243, **art. 2**

Status: *Point in time view as at 30/08/2005.*
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73 Time limits: supplementary.

(1) Where a person is convicted of an offence, the exercise of power conferred by virtue of section 72(2)(e) in relation to proceedings for the offence shall not be called into question on an appeal against the conviction.

(2) In the application of section 72 in relation to proceedings on indictment, "preliminary stage" does not include a stage—

(a) after the time when the case for the prosecution is opened, or

(b) if the court accepts a plea of guilty before the case for the prosecution is opened, after the plea is accepted.

(3) In the application of section 72 in relation to summary proceedings, "preliminary stage" does not include a stage—

(a) after the court begins to hear evidence for the prosecution at the trial,

(b) if the court accepts a plea of guilty before it has begun to hear evidence for the prosecution, after the plea is accepted, or

(c) after the court begins to consider whether to exercise its power under Article 44(4) of the [M5]Mental Health (Northern Ireland) Order 1986 (power to make hospital order without conviction).

(4) In this section and section 72—

"custody of the Crown Court" includes custody to which a person is committed in pursuance of—

(a) Article 37 or 40(4) of the [M6]Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' court committing accused for trial), or

(b) section 51(8) of the [M7]Judicature (Northern Ireland) Act 1978 (magistrates' court dealing with a person arrested under Crown Court warrant),

"custody of a magistrates' court" means custody to which a person is committed in pursuance of Article 47 or 49 of the [M8]Magistrates' Courts (Northern Ireland) Order 1981 (remand),

"custody time limit" means a time limit imposed by regulations in pursuance of section 72(1)(b) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended,

"law about bail" means—

(a) the [M9]Magistrates' Courts (Northern Ireland) Order 1981,

(b) section 67 of this Act,

(c) any other enactment relating to bail, and

(d) any rule of law relating to bail, and

"overall time limit" means a time limit imposed by regulations in pursuance of section 72(1)(a) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended.

(5) For the purposes of the application of a custody time limit in relation to a person who is in the custody of a magistrates' court or the Crown Court—

(a) all periods during which he is in the custody of a magistrates' court in respect of the same offence shall be aggregated and treated as a single continuous period; and

(b) all periods during which he is in the custody of the Crown Court in respect of the same offence shall be aggregated and treated as a single continuous period.

Status: *Point in time view as at 30/08/2005.*
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Marginal Citations

M5 S.I. 1986/595 (N.I. 4).
M6 S.I. 1981/1675 (N.I. 26).
M7 1978 c. 23.
M8 S.I. 1981/1675 (N.I. 26).
M9 S.I. 1981/1675 (N.I. 26).

74 Court for trial.

(1) A trial on indictment of a scheduled offence shall be held only at the Crown Court sitting in Belfast, unless—

(a) the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland directs that the trial, or a class of trials within which it falls, shall be held at the Crown Court sitting elsewhere, or

(b) the Lord Chief Justice of Northern Ireland directs that the trial, or part of it, shall be held at the Crown Court sitting elsewhere.

(2) A person committed for trial for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, shall be committed—

(a) to the Crown Court sitting in Belfast, or

(b) where a direction has been given under subsection (1) which concerns the trial, to the Crown Court sitting at the place specified in the direction;

and section 48 of the [M10]Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) shall have effect accordingly.

(3) Where—

(a) a person is committed for trial to the Crown Court sitting in Belfast in accordance with subsection (2), and

(b) a direction is subsequently given under subsection (1), before the commencement of the trial, altering the place of trial,

the person shall be treated as having been committed for trial to the Crown Court sitting at the place specified in the direction.

Marginal Citations

M10 1978 c. 23.

75 Mode of trial on indictment.

(1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.

(2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if it had been sitting with a jury (including power to determine any question and to make any finding which would, apart from this section, be required to be determined or made by a jury).

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(3) A reference in an enactment to a jury, the verdict of a jury or the finding of a jury shall, in relation to a trial under this section, be construed as a reference to the court, the verdict of the court or the finding of the court.

(4) Where separate counts of an indictment allege a scheduled offence and a non-scheduled offence, the trial on indictment shall be conducted as if all the offences alleged in the indictment were scheduled offences.

(5) Subsection (4) is without prejudice to section 5 of the [M11]Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial).

(6) Without prejudice to subsection (2), where the court trying a scheduled offence on indictment—
   (a) is not satisfied that the accused is guilty of the offence, but
   (b) is satisfied that he is guilty of a non-scheduled offence of which a jury could have found him guilty on a trial for the scheduled offence,

   the court may convict him of the non-scheduled offence.

(7) Where the court trying a scheduled offence convicts the accused of that or some other offence, it shall give a judgment stating the reasons for the conviction at or as soon as is reasonably practicable after the time of conviction.

(8) A person convicted of an offence on a trial under this section without a jury may, notwithstanding anything in sections 1 and 10(1) of the [M12]Criminal Appeal (Northern Ireland) Act 1980, appeal to the Court of Appeal under Part I of that Act—
   (a) against his conviction, on any ground, without the leave of the Court of Appeal or a certificate of the judge of the court of trial;
   (b) against sentence passed on conviction, without that leave, unless the sentence is fixed by law.

(9) Where a person is convicted of an offence on a trial under this section, the time for giving notice of appeal under section 16(1) of that Act shall run from the date of judgment if later than the date from which it would run under that subsection.

Marginal Citations
M11 1945 c. 16(N.I.).
M12 1980 c. 47.

[[F6]76 Admission in trial on indictment.

(1) This section applies to a trial on indictment for—
   (a) a scheduled offence, or
   (b) two or more offences at least one of which is a scheduled offence.

(2) A statement made by the accused may be given in evidence by the prosecution in so far as—
   (a) it is relevant to a matter in issue in the proceedings, and
   (b) it is not excluded or inadmissible (whether by virtue of subsections (3) to (5) or otherwise).

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(3) Subsections (4) and (5) apply if in proceedings to which this section applies—

(a) the prosecution gives or proposes to give a statement made by the accused in evidence,

(b) prima facie evidence is adduced that the accused was subjected to torture, inhuman or degrading treatment, violence or the threat of violence in order to induce him to make the statement, and

(c) the prosecution does not satisfy the court that the statement was not obtained in the manner mentioned in paragraph (b).

(4) If the statement has not yet been given in evidence, the court shall—

(a) exclude the statement, or

(b) direct that the trial be restarted before a differently constituted court (before which the statement shall be inadmissible).

(5) If the statement has been given in evidence, the court shall—

(a) disregard it, or

(b) direct that the trial be restarted before a differently constituted court (before which the statement shall be inadmissible).

(6) This section is without prejudice to any discretion of a court to—

(a) exclude or ignore a statement, or

(b) direct a trial to be restarted,

where the court considers it appropriate in order to avoid unfairness to the accused or otherwise in the interests of justice.**]**

Textual Amendments

F6 S. 76 ceased to have effect (26.7.2002) by virtue of S.I. 2002/2141, **art. 2**

77 Possession: onus of proof.

(1) This section applies to a trial on indictment for a scheduled offence where the accused is charged with possessing an article in such circumstances as to constitute an offence under any of the enactments listed in subsection (3).

(2) If it is proved that the article—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,

the court may assume that the accused possessed (and, if relevant, knowingly possessed) the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(3) The following are the offences mentioned in subsection (1)—

The [M13]*Explosive Substances Act 1883*

Section 3, so far as relating to subsection (1)(b) thereof (possessing explosive with intent to endanger life or cause serious damage to property).

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Section 4 (possessing explosive in suspicious circumstances).

The [M14]Protection of the Person and Property Act (Northern Ireland) 1969

Section 2 (possessing petrol bomb, &c. in suspicious circumstances).

[[F7] *The Firearms (Northern Ireland) Order 2004*

Article 45(1)(manufacturing, dealing in or possessing certain weapons, etc.).

Article 58(1)(possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 59(2)(possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 63(1), (2) or (4)(possession of a firearm or ammunition by a person who has been sentenced to imprisonment, &c.).

Article 64 (possessing firearm or ammunition in suspicious circumstances).**]**

Textual Amendments

F7 Entry in s. 77(3) substituted (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), art. 82(1), **Sch. 7 para. 23**; S.R. 2005/4, **art. 3**

Marginal Citations

M13 1883 c. 3.
M14 1969 c. 29 (N.I.).

78 Children: sentence.

(1) This section applies where a child is convicted on indictment of a scheduled offence committed while this section is in force.

(2) Article 45(2) of the [M15]Criminal Justice (Children) (Northern Ireland) Order 1998 (punishment for serious offence) shall have effect with the substitution for the words " 14 years " of the words "five years".

(3) In this section "child" means a person who has not attained the age of **[**[F8]18**]** .

Textual Amendments

F8 Word in s. 78(3) substituted (30.8.2005) by 2002 c. 26, s. 63(1), Sch. 11 para. 24; S.R. 2005/391, **art. 2**, Sch. paras. 3, 8

Marginal Citations

M15 S.I. 1998/1504 (N.I. 9).

Status: *Point in time view as at 30/08/2005.*
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79 Restricted remission.

(1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence shall not, where it is for a term of five years or more, exceed one-third of the term.

(2) Where a person is sentenced on the same occasion for two or more scheduled offences to terms which are consecutive, subsection (1) 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), 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 [M16]Prison Act (Northern Ireland) 1953.

(5) The Secretary of State may by order substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1).

(6) This section applies where—

(a) the scheduled offence is committed while this section is in force,

(b) the offence (being a scheduled offence within the meaning of the [M17]Northern Ireland (Emergency Provisions) Act 1996) was committed while section 15 of that Act was in force,

(c) the offence (being a scheduled offence within the meaning of the [M18]Northern Ireland (Emergency Provisions) Act 1991) was committed while section 14 of that Act was in force, or

(d) the offence (being a scheduled offence within the meaning of the [M19]Northern Ireland (Emergency Provisions) Act 1978) was committed while section 22 of the [M20]Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Marginal Citations

M16 1953 c.18 (N.I.)
M17 1996 c. 22.
M18 1991 c. 24.
M19 1978 c. 5.
M20 1989 c. 4.

80 Conviction during remission.

(1) This section applies where—

(a) a person is sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year,

(b) he is discharged from prison or the centre in pursuance of prison rules, and

(c) before his sentence or term would have expired (but for the discharge) he commits, and is convicted on indictment of, a scheduled offence.

(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 a young offenders centre for the period between the date of the order and the

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date on which the sentence or term mentioned in subsection (1) would have expired but for his discharge.

(3) No order shall be made under subsection (2) if the sentence imposed by the court is—
- (a) a suspended sentence,
- (b) a sentence of life imprisonment, or
- (c) a sentence of detention during the Secretary of State's pleasure under Article 45(1) of the [M21]Criminal Justice (Children) (Northern Ireland) Order 1998.

(4) An order made under subsection (2) shall cease to have effect if an appeal against the scheduled offence results in—
- (a) the acquittal of the person concerned, or
- (b) the substitution of a sentence other than imprisonment or a term of detention.

(5) 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 [M22]Prison Act (Northern Ireland) 1953 and for the purposes of the [M23]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
- (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.

(6) 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, and
- (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 specified.

(7) In this section—

"prison rules" means rules made under section 13 of the [M24]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, and

"young offenders centre" has the meaning assigned to it by section 2(a) of the [M25]Treatment of Offenders Act (Northern Ireland) 1968.

(8) For the purposes of subsection (1) 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 or any of the Islands, and

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(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 [M26]Army Act 1955, the [M27]Air Force Act 1955 and the [M28]Naval Discipline Act 1957.

(9) The Secretary of State may by order substitute a different period for the period of one year mentioned in subsection (1).

(10) This section applies irrespective of when the discharge from prison or a young offenders centre took place but only if—

(a) the scheduled offence is committed while this section is in force,

(b) the offence (being a scheduled offence within the meaning of the [M29]Northern Ireland (Emergency Provisions) Act 1996) was committed while section 16 of that Act was in force,

(c) the offence (being a scheduled offence within the meaning of the [M30]Northern Ireland (Emergency Provisions) Act 1991) was committed while section 15 of that Act was in force, or

(d) the offence (being a scheduled offence within the meaning of the [M31]Northern Ireland (Emergency Provisions) Act 1978) was committed while section 23 of the [M32]Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Marginal Citations

M21 S.I. 1998/1504 (N.I. 9).
M22 1953 c. 18 (N.I.).
M23 1968 c. 29 (N.I.).
M24 1953 c. 18 (N.I.).
M25 1968 c. 29 (N.I.).
M26 1955 c. 18.
M27 1955 c. 19.
M28 1957 c. 53.
M29 1996 c. 22.
M30 1991 c. 24.
M31 1978 c. 5.
M32 1989 c. 4.

Powers of arrest, search, &c.

81 Arrest of suspected terrorists: power of entry.

A constable may enter and search any premises if he reasonably suspects that a terrorist, within the meaning of section 40(1)(b), is to be found there.

82 Arrest and seizure: constables.

(1) A constable may arrest without warrant any person if he reasonably suspects that the person is committing, has committed or is about to commit—

(a) a scheduled offence, or

(b) a non-scheduled offence under this Act.

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For the purpose of arresting a person under this section a constable may enter and search any premises where the person is or where the constable reasonably suspects him to be.

(3) A constable may seize and retain anything if he reasonably suspects that it is, has been or is intended to be used in the commission of—
  (a) a scheduled offence, or
  (b) a non-scheduled offence under this Act.

Modifications etc. (not altering text)
C3 S. 82(3): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 70; S.I. 2003/708, **art. 2**

83 Arrest and seizure: armed forces.

(1) If a member of Her Majesty's forces on duty reasonably suspects that a person is committing, has committed or is about to commit any offence he may—
  (a) arrest the person without warrant, and
  (b) detain him for a period not exceeding four hours.

(2) A person making an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is making the arrest as a member of Her Majesty's forces.

(3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises where the person is.

(4) If a member of Her Majesty's forces reasonably suspects that a person—
  (a) is a terrorist (within the meaning of Part V), or
  (b) has committed an offence involving the use or possession of an explosive or firearm,

he may enter and search any premises where he reasonably suspects the person to be for the purpose of arresting him under this section.

(5) A member of Her Majesty's forces may seize, and detain for a period not exceeding four hours, anything which he reasonably suspects is being, has been or is intended to be used in the commission of an offence under section 93 or 94.

(6) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the [M33]Human Rights Act 1998.

Marginal Citations
M33 1998 c. 42.

84 Munitions and transmitters.

Schedule 10 (which confers power to search for munitions and transmitters) shall have effect.

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

85 Explosives inspectors.

(1) An explosives inspector may enter and search any premises for the purpose of ascertaining whether any explosive is unlawfully there.

(2) The power under subsection (1) may not be exercised in relation to a dwelling.

(3) An explosives inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive unlawfully with him.

(4) An explosives inspector—
- (a) may seize any explosive found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose, and
- (b) may retain and, if necessary, destroy it.

(5) In this section "explosives inspector" means an inspector appointed under section 53 of the [M34]Explosives Act 1875.

Marginal Citations
M34 1875 c. 17.

86 Unlawfully detained persons.

(1) If an officer reasonably believes that a person is unlawfully detained in such circumstances that his life is in danger, the officer may enter any premises for the purpose of ascertaining whether the person is detained there.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

(3) A dwelling may be entered under subsection (1) only by—
- (a) a member of Her Majesty's forces authorised for the purpose by a commissioned officer of those forces, or
- (b) a constable authorised for the purpose by an officer of the Royal Ulster Constabulary of at least the rank of inspector.

87 Examination of documents.

(1) A member of Her Majesty's forces or a constable who performs a search under a provision of this Part—
- (a) may examine any document or record found in order to ascertain whether it contains information of the kind mentioned in section 58(1)(a) or 103(1)(a), and
- (b) if necessary or expedient for the purpose of paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.

(2) Subsection (1) shall not permit a person to examine a document or record if he has reasonable cause to believe that it is an item subject to legal privilege (within the meaning of the [M35]Police and Criminal Evidence (Northern Ireland) Order 1989).

Status: *Point in time view as at 30/08/2005.*
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(3) Subject to subsections (4) and (5), a document or record may not be retained by virtue of subsection (1)(b) for more than 48 hours.

(4) An officer of the Royal Ulster Constabulary who is of at least the rank of chief inspector may authorise a constable to retain a document or record for a further period or periods.

(5) Subsection (4) does not permit the retention of a document or record after the end of the period of 96 hours beginning with the time when it was removed for examination under subsection (1)(b).

(6) A person who wilfully obstructs a member of Her Majesty's forces or a constable in the exercise of a power conferred by this section commits an offence.

(7) A person guilty of an offence under subsection (6) shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Marginal Citations
M35 S.I. 1989/1341 (N.I. 12).

88 Examination of documents: procedure.

(1) Where a document or record is examined under section 87—
- (a) it shall not be photographed or copied, and
- (b) the person who examines it shall make a written record of the examination as soon as is reasonably practicable.

(2) The record shall—
- (a) describe the document or record,
- (b) specify the object of the examination,
- (c) state the address of the premises where the document or record was found,
- (d) where the document or record was found in the course of a search of a person, state the person's name,
- (e) where the document or record was found in the course of a search of any premises, state the name of a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found,
- (f) where the document or record is removed for examination from the place where it was found, state the date and time when it was removed, and
- (g) where the document or record was examined at the place where it was found, state the date and time of examination.

(3) The record shall identify the person by whom the examination was carried out—
- (a) in the case of a constable, by reference to his police number, and
- (b) in the case of a member of Her Majesty's forces, by reference to his service number, rank and regiment.

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(4) Where a person makes a record of a search in accordance with this section, he shall as soon as is reasonably practicable supply a copy—
- (a) in a case where the document or record was found in the course of a search of a person, to that person, and
- (b) in a case where the document or record was found in the course of a search of any premises, to a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found.

89 Power to stop and question.

(1) An officer may stop a person for so long as is necessary to question him to ascertain—
- (a) his identity and movements;
- (b) what he knows about a recent explosion or another recent incident endangering life;
- (c) what he knows about a person killed or injured in a recent explosion or incident.

(2) A person commits an offence if he—
- (a) fails to stop when required to do so under this section,
- (b) refuses to answer a question addressed to him under this section, or
- (c) fails to answer to the best of his knowledge and ability a question addressed to him under this section.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

90 Power of entry.

(1) An officer may enter any premises if he considers it necessary in the course of operations for the preservation of the peace or the maintenance of order.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

91 Taking possession of land, &c.

If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order, he may authorise a person—
- (a) to take possession of land or other property;
- (b) to take steps to place buildings or other structures in a state of defence;
- (c) to detain property or cause it to be destroyed or moved;
- (d) to carry out works on land of which possession has been taken by virtue of this section;

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(e) to take any other action which interferes with a public right or with a private right of property.

92 Road closure: permission.

(1) If he considers it immediately necessary for the preservation of the peace or the maintenance of order, an officer may—
- (a) wholly or partly close a road;
- (b) divert or otherwise interfere with a road or the use of a road;
- (c) prohibit or restrict the exercise of a right of way;
- (d) prohibit or restrict the use of a waterway.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty,
- (b) a constable, or
- (c) a person authorised for the purposes of this section by the Secretary of State.

93 Sections 91 and 92: supplementary.

(1) A person commits an offence if he interferes with—
- (a) works executed in connection with the exercise of powers conferred by virtue of section 91 or 92, or
- (b) any apparatus, equipment or other thing used in connection with the exercise of those powers.

(2) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his interference.

(3) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(4) An authorisation to exercise powers under section 91 or 92 may authorise—
- (a) the exercise of all those powers, or
- (b) the exercise of a specified power or class of powers.

(5) An authorisation to exercise powers under section 91 or 92 may be addressed—
- (a) to specified persons, or
- (b) to persons of a specified class.

Modifications etc. (not altering text)

C4 S. 93: power to continue conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {4(2)(d)}, 5(3)

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

94 Road closure: direction.

(1) If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order he may by order direct that a specified road—
- (a) shall be wholly closed,
- (b) shall be closed to a specified extent, or
- (c) shall be diverted in a specified manner.

(2) A person commits an offence if he interferes with—
- (a) road closure works, or
- (b) road closure equipment.

(3) A person commits an offence if—
- (a) he executes any bypass works within 200 metres of road closure works,
- (b) he has in his possession or under his control, within 200 metres of road closure works, materials or equipment suitable for executing bypass works, or
- (c) he knowingly permits on land occupied by him the doing or occurrence of anything which is an offence under paragraph (a) or (b).

(4) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action, possession, control or permission.

(5) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(6) In this section—

"bypass works" means works which facilitate the bypassing by vehicles of road closure works,

"road closure equipment" means any apparatus, equipment or other thing used in pursuance of an order under this section in connection with the closure or diversion of a road, and

"road closure works" means works executed in connection with the closure or diversion of a road specified in an order under this section (whether executed in pursuance of the order or in pursuance of power under an enactment to close or divert the road).

95 Sections 81 to 94: supplementary.

(1) This section applies in relation to sections 81 to 94.

(2) A power to enter premises may be exercised by reasonable force if necessary.

(3) A power to search premises shall, in its application to vehicles (by virtue of section 121), be taken to include—
- (a) power to stop a vehicle (other than an aircraft which is airborne), and
- (b) power to take a vehicle or cause it to be taken, where necessary or expedient, to any place for the purpose of carrying out the search.

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

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

(6) In the application to a place or vehicle (by virtue of section 121) of a power to search premises—
  (a) a reference to the address of the premises shall be construed as a reference to the location of the place or vehicle together with its registration number (if any), and
  (b) a reference to the occupier of the premises shall be construed as a reference to the occupier of the place or the person in charge of the vehicle.

(7) Where a search is carried out under Schedule 10 in relation to a vehicle (by virtue of section 121), the person carrying out the search may, if he reasonably believes that it is necessary in order to carry out the search or to prevent it from being frustrated—
  (a) require a person in or on the vehicle to remain with it;
  (b) require a person in or on the vehicle to go to and remain at any place to which the vehicle is taken by virtue of subsection (3)(b);
  (c) use reasonable force to secure compliance with a requirement under paragraph (a) or (b) above.

(8) Paragraphs 4(2) and (3), 8 and 9 of Schedule 10 shall apply to a requirement imposed under subsection (7) as they apply to a requirement imposed under that Schedule.

(9) Paragraph 8 of Schedule 10 shall apply in relation to the search of a vehicle which is not habitually stationary only if it is moved for the purpose of the search by virtue of subsection (3)(b); and where that paragraph does apply, the reference to the address of the premises shall be construed as a reference to the location where the vehicle is searched together with its registration number (if any).

(10) A member of Her Majesty's forces exercising any power when he is not in uniform shall, if requested to do so by any person at or about the time of exercising the power, produce to that person documentary evidence that he is a member of Her Majesty's Forces.

Miscellaneous

96 Preservation of the peace: regulations.

(1) The Secretary of State may by regulations make provision for promoting the preservation of the peace and the maintenance of order.

(2) The regulations may authorise the Secretary of State to make orders or give directions for specified purposes.

(3) A person commits an offence if he contravenes or fails to comply with—
  (a) regulations under this section, or
  (b) an order or direction made or given under regulations made under this section.

(4) A person guilty of an offence under this section shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding six months,

(b) a fine not exceeding level 5 on the standard scale, or

(c) both.

97 Port and border controls.

[[F9](1) The Secretary of State may by order provide for members of Her Majesty's Forces to perform specified functions conferred on examining officers under Schedule 7.

(2) A member of Her Majesty's Forces exercising functions by virtue of subsection (1) shall be treated as an examining officer within the meaning of Schedule 7 for all purposes of this Act except for paragraphs 5 and 6 of Schedule 14.**]**

[[F10](3) The Secretary of State may by order make provision, including provision supplementing or modifying Schedule 7, about entering or leaving Northern Ireland by land.**]**

Textual Amendments

F9 S. 97(1)(2) ceased to have effect (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(a)**

F10 S. 97(3) ceased to have effect (19.2.2004) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2004 (S.I. 2004/431), **art. 2(2)**

98 Independent Assessor of Military Complaints Procedures.

(1) The Secretary of State may appoint a person to be known as the Independent Assessor of Military Complaints Procedures in Northern Ireland.

(2) A person may be appointed as the Independent Assessor only if—

(a) he is not a serving member of Her Majesty's forces, and

(b) he has not been a serving member at any time during the period of 20 years ending with the date of the appointment.

(3) The Independent Assessor—

(a) shall keep under review the procedures adopted by the General Officer Commanding Northern Ireland for receiving, investigating and responding to complaints to which this section applies,

(b) shall receive and investigate any representations about those procedures,

(c) may investigate the operation of those procedures in relation to a particular complaint or class of complaints,

(d) may require the General Officer Commanding to review a particular case or class of cases in which the Independent Assessor considers that any of those procedures have operated inadequately, and

(e) may make recommendations to the General Officer Commanding about inadequacies in those procedures, including inadequacies in the way in which they operate in relation to a particular complaint or class of complaints.

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) This section applies to complaints about the behaviour of a member of Her Majesty's forces under the command of the General Officer Commanding Northern Ireland, other than—

(a) a complaint which is referred by the General Officer Commanding to the Royal Ulster Constabulary and which is not remitted by the Royal Ulster Constabulary to the General Officer Commanding to be dealt with by him,

(b) a complaint about a matter in respect of which a claim for compensation has been made under Schedule 12, and

(c) a complaint about a matter which is the subject of proceedings involving a claim for compensation which have been instituted in a court.

(5) The General Officer Commanding Northern Ireland shall—

(a) provide such information,

(b) disclose such documents, and

(c) provide such assistance,

as the Independent Assessor may reasonably require for the purpose of the performance of his functions.

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

99 Police and army powers: code of practice.

(1) The Secretary of State may make codes of practice in connection with—

(a) the exercise by police officers of any power conferred by this Act, and

(b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act.

(2) The Secretary of State may make codes of practice in connection with the exercise by members of Her Majesty's forces of powers by virtue of this Part.

(3) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

100 Video recording: code of practice.

(1) The Secretary of State shall—

(a) make a code of practice about the silent video recording of interviews to which this section applies, and

(b) make an order requiring the silent video recording of interviews to which this section applies in accordance with the code.

(2) This section applies to—

(a) interviews by police officers of persons detained under section 41 if they take place in a police station (within the meaning of Schedule 8), and

(b) interviews held by police officers in such other circumstances as the Secretary of State may specify by order.

(3) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

Status: *Point in time view as at 30/08/2005.*
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101 Codes of practice: supplementary.

(1) This section applies to a code of practice under section 99 or 100.

(2) Where the Secretary of State proposes to issue a code of practice he shall—

(a) publish a draft,

(b) consider any representations made to him about the draft, and

(c) if he thinks it appropriate, modify the draft in the light of any representations made to him.

(3) The Secretary of State shall lay a draft of the code before Parliament.

(4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.

(5) The Secretary of State may revise the whole or any part of a code of practice issued by him and issue the code as revised; and subsections (2) to (4) shall apply to such a revised code as they apply to an original code.

[[F11](5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—

(a) the exercise of the powers conferred on him by the designation;

(b) the performance of the duties imposed on him by the designation.**]**

(6) A failure by a police officer to comply with a provision of a code shall not of itself make him liable to criminal or civil proceedings.

(7) A failure by a member of Her Majesty's forces to comply with a provision of a code shall not of itself make him liable to any criminal or civil proceedings other than—

(a) proceedings under any provision of the [M36]Army Act 1955 or the [M37]Air Force Act 1955 other than section 70 (civil offences), and

(b) proceedings under any provision of the [M38]Naval Discipline Act 1957 other than section 42 (civil offences).

[[F12](7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.**]**

(8) A code—

(a) shall be admissible in evidence in criminal or civil proceedings, and

(b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

(9) In this section—

"criminal proceedings" includes proceedings in Northern Ireland before a court-martial constituted under the [M39]Army Act 1955, the [M40]Air Force Act 1955 or the [M41]Naval Discipline Act 1957 [F13]. . . and proceedings in Northern Ireland before the Courts-Martial Appeal Court, and

"police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F11 S. 101(5A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), s. 32(1), **Sch. 3 para. 8(2)**

F12 S. 101(7A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), s. 32(1), **Sch. 3 para. 8(3)**

F13 Words in s. 101(9) repealed (28.2.2002) by 2001 c. 19, s. 38, **Sch. 7 Pt. 1**; S.I. 2002/345, **art. 2** (with art. 3)

Commencement Information

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

Marginal Citations

M36 1955 c. 18.

M37 1955 c. 19.

M38 1957 c. 53.

M39 1955 c. 18.

M40 1955 c. 19.

M41 1957 c. 53.

102 Compensation.

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

103 Terrorist information.

(1) A person commits an offence if—

(a) he collects, makes a record of, publishes, communicates or attempts to elicit information about a person to whom this section applies which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or

(b) he possesses a document or record containing information of that kind.

(2) This section applies to a person who is or has been—

(a) a constable,

(b) a member of Her Majesty's Forces,

(c) the holder of a judicial office,

(d) an officer of any court, or

(e) **[**[F14]employed in**]** the prison service in Northern Ireland.

(3) In this section "record" includes a photographic or electronic record.

(4) If it is proved in proceedings for an offence under subsection (1)(b) that a document or record—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the document or record, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(5) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.

(6) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or

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

(7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of any document or record containing information of the kind mentioned in subsection (1)(a).

(8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.

(9) An order under subsection (8) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

Textual Amendments

F14 Words in s. 103(2)(e) substituted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), **s. 14**; S.R. 2004/267, **art. 2**

104 Police powers: records.

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

(a) it is reasonably practicable to do so, and

(b) a record is not required to be made under another enactment.

105 Powers.

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

(a) is additional to powers which he has at common law or by virtue of any other enactment, and

(b) shall not be taken to affect those powers or Her Majesty's prerogative.

106 Private security services.

Schedule 13 (private security services) shall have effect.

Status: *Point in time view as at 30/08/2005.*
Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Specified organisations

107 Specified organisations: interpretation.

For the purposes of sections 108 to 111 an organisation is specified at a particular time if at that time—

(a) it is specified under section 3(8) of the [M42]Northern Ireland (Sentences) Act 1998, and

(b) it is, or forms part of, an organisation which is proscribed for the purposes of this Act.

Marginal Citations

M42 1998 c. 35.

108 Evidence.

(1) This section applies where a person is charged with an offence under section 11.

(2) Subsection (3) applies where a police officer of at least the rank of superintendent states in oral evidence that in his opinion the accused—

(a) belongs to an organisation which is specified, or

(b) belonged to an organisation at a time when it was specified.

(3) Where this subsection applies—

(a) the statement shall be admissible as evidence of the matter stated, but

(b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the statement.

(4) In this section "police officer" means a member of—

(a) a police force within the meaning of the [M43]Police Act 1996 or the [M44]Police (Scotland) Act 1967, or

(b) the Royal Ulster Constabulary.

Marginal Citations

M43 1996 c. 16.

M44 1967 c. 77.

109 Inferences.

(1) This section applies where a person is charged with an offence under section 11.

(2) Subsection (4) applies where evidence is given that—

(a) at any time before being charged with the offence the accused, on being questioned under caution by a constable, failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and

(b) before being questioned the accused was permitted to consult a solicitor.

(3) Subsection (4) also applies where evidence is given that—

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(a) on being charged with the offence or informed by a constable that he might be prosecuted for it the accused failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and

(b) before being charged or informed the accused was permitted to consult a solicitor.

(4) Where this subsection applies—

(a) the court, in considering any question whether the accused belongs or belonged at a particular time to a specified organisation, may draw from the failure inferences relating to that question, but

(b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the inferences.

(5) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.

110 Sections 108 and 109: supplementary.

(1) Nothing in section 108 or 109 shall—

(a) prejudice the admissibility of evidence admissible apart from that section,

(b) preclude the drawing of inferences which could be drawn apart from that section, or

(c) prejudice an enactment providing (in whatever words) that an answer or evidence given by a person in specified circumstances is not admissible in evidence against him or some other person in any proceedings or class of proceedings (however described, and whether civil or criminal).

(2) In subsection (1)(c) the reference to giving evidence is a reference to giving it in any manner (whether by giving information, making discovery, producing documents or otherwise).

111 Forfeiture orders.

(1) This section applies if—

(a) a person is convicted of an offence under section 11 or 12, and

(b) at the time of the offence he belonged to an organisation which was a specified organisation.

(2) The court by or before which the person is convicted may order the forfeiture of any money or other property if—

(a) he had it in his possession or under his control at the time of the offence, and

(b) it has been used in connection with the activities of the specified organisation or the court believes that it may be used in that connection unless it is forfeited.

(3) Before making an order under this section the court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under this section.

(4) A question arising as to whether subsection (1)(b) or (2)(a) or (b) is satisfied shall be determined on the balance of probabilities.

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Changes to legislation: *Terrorism Act 2000, Part VII is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Schedule 4 shall apply (with the necessary modifications) in relation to orders under this section as it applies in relation to orders made under section 23.

Duration of Part VII

112 Expiry and revival.

(1) This Part shall (subject to subsection (2)) cease to have effect at the end of the period of one year beginning with the day on which it is brought into force.

(2) The Secretary of State may by order provide—
- (a) that a provision of this Part which is in force (whether or not by virtue of this subsection) shall continue in force for a specified period not exceeding twelve months;
- (b) that a provision of this Part shall cease to have effect;
- (c) that a provision of this Part which is not in force (whether or not by virtue of this subsection) shall come into force and remain in force for a specified period not exceeding twelve months.

(3) An order under subsection (2) may make provision with respect to a provision of this Part—
- (a) generally,
- (b) only in so far as it concerns powers of members of Her Majesty's Forces, or
- (c) except in so far as it concerns powers of members of Her Majesty's Forces.

(4) This Part shall, by virtue of this subsection, cease to have effect at the end of the period of five years beginning with the day on which it is brought into force.

(5) The following provisions shall be treated for the purposes of this section as forming part of this Part of this Act—
- (a) paragraphs 36 and 37 of Schedule 4, and
- (b) paragraphs 19 to 21 of Schedule 5.

113 Transitional provisions.

(1) Where a provision of sections 74 to 77 comes into force by virtue of an order under section 112(2), that shall not affect a trial on indictment where the indictment has been presented before the provision comes into force.

(2) Where a provision of sections 74 to 77 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the application of the provision to a trial on indictment where the indictment has been presented before the provision ceases to have effect.

(3) If when section 74(1) comes into force by virtue of an order under section 112(2) a person has been committed for trial for a scheduled offence and the indictment has not been presented, then on the coming into force of section 74(1) he shall, if he was committed to the Crown Court sitting elsewhere than in Belfast, be treated as having been committed—
- (a) to the Crown Court sitting in Belfast, or
- (b) where a direction is given under section 74(1) which affects the trial, to the Crown Court sitting at the place specified in the direction.

(4) Where section 74 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect—

(a) the committal of a person for trial in accordance with that provision to the Crown Court sitting either in Belfast or elsewhere, or

(b) the committal of a person for trial which, in accordance with that provision, has taken effect as a committal for trial to the Crown Court sitting elsewhere than in Belfast,

in a case where the indictment has not been presented.

(5) Where section 79 or 80 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the operation of the section in relation to an offence committed while it, or a corresponding earlier enactment, was in force.

(6) Sections 108 and 109 shall not apply to a statement made or failure occurring before 4th September 1998.

(7) Where section 108 or 109 comes into force by virtue of an order under section 112(2) it shall not apply to a statement made or failure occurring while the section was not in force.

(8) Section 111 applies where an offence is committed on or after 4th September 1998; and for this purpose an offence committed over a period of more than one day or at some time during a period of more than one day shall be taken to be committed on the last of the days in the period.

(9) Paragraph 19 of Schedule 9 shall have effect only in relation to an offence alleged to have been committed after the coming into force of that Schedule.

Modifications etc. (not altering text)

C5 S. 113: power to continue conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {4(2)(g)}, 5(3)

Status:
Point in time view as at 30/08/2005.

Changes to legislation:
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