



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART VII

#### NORTHERN IRELAND

##### *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 <sup>M1</sup>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**

**M1** 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

*Status: Point in time view as at 19/02/2001.*

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- (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 <sup>M2</sup>Police Act 1996 or the <sup>M3</sup>Police (Scotland) Act 1967, or
  - (b) the Royal Ulster Constabulary.

#### Marginal Citations

**M2** 1996 c. 16.

**M3** 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—
  - (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

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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.
- (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.

**Status:**

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