

Status: Point in time view as at 18/04/2005.

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SCHEDULES

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART I

ENGLAND AND WALES AND NORTHERN IRELAND

Northern Ireland

- 18 In the application of this Part to Northern Ireland—
- (a) the reference in paragraph 4(a) to section 11 of the ^{M1}Police and Criminal Evidence Act 1984 shall be taken as a reference to Article 13 of the ^{M2}Police and Criminal Evidence (Northern Ireland) Order 1989,
 - (b) the reference in paragraph 4(b) to section 10 of that Act shall be taken as a reference to Article 12 of that Order,
 - (c) the reference in paragraph 4(c) to section 14 of that Act shall be taken as a reference to Article 16 of that Order,
 - (d) the references in paragraph 9(1) and (2) to “government department” shall be taken as including references to an authorised Northern Ireland department for the purposes of the ^{M3}Crown Proceedings Act 1947,
 - [^{F1}(dd) the reference in paragraph 10(2) to “Criminal Procedure Rules” shall be taken as a reference to Crown Court Rules,]
 - ^{F2}(e)
 - (f) the reference in paragraph 17 to sections 21 and 22 of the ^{M4}Police and Criminal Evidence Act 1984 shall be taken as a reference to Articles 23 and 24 of the ^{M5}Police and Criminal Evidence (Northern Ireland) Order 1989, and
 - (g) references to “a Circuit judge” shall be taken as references to a [^{F3}Crown Court judge].

Textual Amendments

- F1** Sch. 5 para. 18(dd) inserted (1.9.2004 subject to art. 3 of the commencing S.I.) by [Courts Act 2003](#) (c. 39), s. 109(1), [Sch. 8 para. 389\(3\)](#); S.I. 2004/2066, [art. 2](#)
- F2** Sch. 5 para. 18(e) repealed (7.7.2002) by 2001 c. 24, ss. 121(2)(a), 125, [Sch. 8 Pt. 7](#); S.I. 2002/1558, [art. 2](#)
- F3** Words in Sch. 5 para. 18(g) substituted (7.7.2002) by 2001 c. 24, [s. 121\(2\)\(b\)](#); S.I. 2002/1558, [art. 2](#)

Marginal Citations

- M1** 1984 c. 60.
- M2** S.I. 1989/1341 (N.I. 12).
- M3** 1947 c. 44.

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M4 1984 c. 60.

M5 S.I. 1989/1341 (N.I. 12).

- [^{F4}19 (1) The Secretary of State may by a written order which relates to specified premises give to any constable in Northern Ireland—
- (a) the authority which may be given by a search warrant under paragraph 1;
 - (b) the authority which may be given by a search warrant under paragraph 11.
- (2) An order shall not be made under this paragraph unless—
- (a) it appears to the Secretary of State that the information which it would be necessary to provide to the court in support of an application for a warrant would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18 or under section 56, and
 - (b) the order is made for the purposes of an investigation of the commission, preparation or instigation of an offence under any of sections 15 to 18 or under section 56.
- (3) The Secretary of State may make an order under sub-paragraph (1)(a) in relation to particular premises only if satisfied—
- (a) that there are reasonable grounds for believing that there is material on the premises which is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and which does not consist of or include excepted material, and
 - (b) that the authority of an order is likely to be necessary in the circumstances of the case.
- (4) The Secretary of State may make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that an order made under paragraph 5 in relation to material on the premises has not been complied with.
- (5) The Secretary of State may also make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that there are reasonable grounds for believing that—
- (a) there is material on the premises which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege,
 - (b) the material is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and
 - (c) an order under paragraph 5 would not be appropriate in relation to the material for the reason mentioned in paragraph 12(4)(a) or (b) or because the investigation mentioned in sub-paragraph (2)(b) might be seriously prejudiced unless a constable can secure immediate access to the material.
- (6) An order under sub-paragraph (1)(b) may not be made except in the circumstances specified in sub-paragraphs (4) and (5).
- (7) A person commits an offence if he wilfully obstructs a search under this paragraph.
- (8) A person guilty of an offence under sub-paragraph (7) shall be liable on summary conviction to—

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- (a) imprisonment for a term not exceeding three months,
- (b) a fine not exceeding level 4 on the standard scale, or
- (c) both.]

Textual Amendments

F4 Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of [The Terrorism Act 2000 \(Continuance of Part VII\) Order 2003 \(S.I. 2003/427\)](#), [art. 2\(2\)\(c\)](#); and repealed (N.I.) (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), s. 5(2)(3), [Sch.](#)

Modifications etc. (not altering text)

- C1** Sch. 5 para. 19: power(s) of seizure extended (1.4.2003) by [2001 c. 16](#), ss. 50, 52-54, 68, [Sch. 1 Pt. 1 para. 71](#); [S.I. 2003/708](#), [art. 2](#)
- C2** Sch. 5 para. 19: power(s) of seizure extended (1.4.2003) by [2001 c. 16](#), ss. 51-54, 68, [Sch. 1 Pt. 2 para. 83](#); [S.I. 2003/708](#), [art. 2](#)
- C3** Sch. 5 para. 19 modified (1.4.2003) by [2001 c. 16](#), ss. 55, 68, [Sch. 1 Pt. 3 para. 109\(2\)](#) (with s. 57(3)); [S.I. 2003/708](#), [art. 2](#)

- [^{F5}20] (1) The Secretary of State may exercise the power to make an order under paragraph 5 in relation to any person in Northern Ireland who is specified in the order.
- (2) An order shall not be made by virtue of this paragraph unless it appears to the Secretary of State that the information which it would be necessary to provide to a [^{F6}Crown Court judge]] in support of an application for an order under paragraph 5 would, if disclosed—
- (a) be likely to place any person in danger, or
 - (b) be likely to prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18 or under section 56.
- (3) Paragraphs 5 to 9 shall apply to the making of an order under paragraph 5 by virtue of this paragraph with the following modifications—
- (a) references to a [^{F6}Crown Court judge] shall be taken as references to the Secretary of State,
 - (b) the references to “a terrorist investigation” in paragraphs 5(1) and 6(2) (a) shall be taken as references to an investigation of the commission, preparation or instigation of an offence under any of sections 15 to 18 or under section 56, and
 - (c) the references to “a terrorist investigation” in paragraphs 6(2)(b) and 6(3) (a) shall be taken as references to the investigation mentioned in paragraph 6(2)(a).
- (4) Paragraph 10 shall not apply in relation to an order made under paragraph 5 by virtue of this paragraph.
- (5) The Secretary of State may vary or revoke an order made by virtue of this paragraph.
- (6) A person commits an offence if he contravenes an order made by virtue of this paragraph.
- (7) A person guilty of an offence under sub-paragraph (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

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

Textual Amendments

- F5** Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of [The Terrorism Act 2000 \(Continuance of Part VII\) Order 2003 \(S.I. 2003/427\)](#), [art. 2\(2\)\(c\)](#); and repealed (N.I.) (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), s. 5(2)(3), [Sch.](#)
- F6** Words in Sch. 5 para. 20(2)(3)(a) substituted (7.7.2002) by [2001 c. 24, s. 121\(3\)](#); [S.I. 2002/1558](#), [art. 2](#)

- [^{F7}21 (1) The Secretary of State may by a written order require any person in Northern Ireland who is specified in the order to provide an explanation of any material—
- (a) seized in pursuance of an order under paragraph 19, or
- (b) produced or made available to a constable in pursuance of an order made by virtue of paragraph 20.
- (2) The provisions of paragraphs 13(2) to (4) and 14 shall apply to an order under this paragraph as they apply to an order under paragraph 13.
- (3) The provisions of paragraph 16(3) to (5) shall apply to an order under this paragraph as they apply to a notice under paragraph 16.]

Textual Amendments

- F7** Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of [The Terrorism Act 2000 \(Continuance of Part VII\) Order 2003 \(S.I. 2003/427\)](#), [art. 2\(2\)\(c\)](#); and repealed (N.I.) (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), s. 5(2)(3), [Sch.](#)

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