



Terrorism Act 2000

2000 CHAPTER 11

PART VII

NORTHERN IRELAND

Scheduled offences

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 ^{M1}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).

Section 4 (possessing explosive in suspicious circumstances).

The ^{M2}Protection of the Person and

Property Act (Northern Ireland) 1969

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

Status: Point in time view as at 01/02/2005.

Changes to legislation: Terrorism Act 2000, Section 77 is up to date with all changes known to be in force on or before 20 March 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)

[^{F1} *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

F1 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

M1 1883 c. 3.

M2 1969 c. 29 (N.I.).

Status:

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