

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Schedule 2 – Seizure and forfeiture of terrorist publications

Section 33 – Disclosure notices for the purposes of terrorist investigations

154. This section extends the regime contained in Part 2, chapter 1 of the SOCAP under which a disclosure notice may be issued by the Investigating Authority, requiring those on whom such a notice is served to provide specific information as set out in the notice. Refusal to provide information is an offence, punishable by imprisonment for up to 51 weeks, or a fine. Providing false or misleading information is an offence, punishable by imprisonment for up to two years, or a fine, or both. The Investigating Authority is defined as the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, or the Lord Advocate.

Subsections (1) and (2)

155. **Subsection (1)** amends section 60(1) of the SOCAP to extend the powers of the Investigating Authority to enable the issuing of disclosure notices in terrorist investigations. At the moment a disclosure notice can only be issued in connection with the investigation of specific offences. **Subsection (2)** inserts a definition of terrorist investigation into section 60 of the SOCAP.

Subsection (3)

156. **Subsection (3)** amends section 62 of the SOCAP to provide that a disclosure notice may be given where the Investigating Authority believes that a person has information that relates to a terrorist investigation. There must also be reasonable grounds for believing both that the person to whom the notice is issued has relevant information and that any information provided is likely to be of substantial value to that investigation.

Subsection (4)

157. **Subsection (4)** inserts definitions of “act of terrorism”, “terrorism”, and “terrorist investigation”, into section 70 of the SOCAP for the purpose of the disclosure notice provisions. The first two of these terms are defined by reference to the TACT. The definition of terrorism and act of terrorism are discussed at paragraphs 16-19 of these explanatory notes. The definition of terrorist investigation is set out in section 60(7) of the SOCAP (as inserted by subsection (2) of this section). The definition covers the investigation of the commission, preparation or instigation of acts of terrorism, the investigation of acts or omissions that appear to be carried out for the purposes of terrorism and which consist of the commission, preparation or instigation of an offence and the investigation of an offence under the TACT or Part 1 of this Act (except an

*These notes refer to the Terrorism Act 2006 (c.11)
which received Royal Assent on 30 March 2006*

offence under section 1 (encouragement of terrorism) or section 2 (dissemination of terrorist publications)).