

Actions envisaged in parts 1 and 2 of the article, if they entailed the death of one or more persons or caused grievous bodily injury, are punishable by imprisonment for a term of five to fifteen years, with confiscation of property.

XLIII. UNITED KINGDOM⁹⁵

1. TOKYO CONVENTION ACT 1967

1967 CHAPTER 52

An Act to make provision with a view to the ratification on behalf of the United Kingdom of the Convention on Offences and certain other Acts Committed on board Aircraft, signed in Tokyo on 14th September 1963, and to give effect to certain provisions relating to piracy of the Convention on the High Seas, signed in Geneva on 29th April 1958; and for purposes connected with the matters aforesaid. [14th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of criminal law to aircraft.

1. (1) Any act or omission taking place on board a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom which, if taking place in, or in a part of the United Kingdom, would constitute an offence under the law in force in, or in that part of, the United Kingdom shall constitute that offence:

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside the United Kingdom.

(2) No proceedings for any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft while in flight elsewhere than in or over the United Kingdom (other than an offence under, or under any instrument made under, the Civil Aviation Acts 1949 and 1960 or the Civil Aviation (Eurocontrol) Act 1962) shall be instituted --

(a) in England and Wales, except by or with the consent of the Director of Public Prosecutions; or

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland;

⁹⁵ Transmitted to the Secretariat by that Government on 20 May 1996, 28 June 1999 and 23 October 2000.

but the foregoing provisions of this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.

(3) For the purpose of conferring jurisdiction, any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft in flight shall be deemed to have been committed in any place in the United Kingdom (or, as the case may be, in that part thereof) where the offender may for the time being be; and section 62(1) of the Civil Aviation Act 1949 is hereby repealed.

Provisions as to extradition.

2. (1) For the purposes of the application of the Extradition Act 1870 to crimes committed on board an aircraft in flight, any aircraft registered in a Convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country; and paragraphs (1) to (3) of section 16 of that Act (which have effect where a person's surrender is sought in respect of a crime committed on board a vessel on the high seas which comes into any port of the United Kingdom) shall have effect also where a person's surrender is sought in respect of a crime committed on board an aircraft in flight which lands in the United Kingdom, but as if in the said paragraph (3) for references to the port where the vessel lies there were substituted references to the place at which the person whose surrender is sought is disembarked.

(2) Sections 17 and 22 of the said Act of 1870 (which relate to the extent of that Act) shall apply to subsection (1) of this section as if that subsection were included in that Act.

Powers of commander of aircraft.

3. (1) The provisions of subsections (2) to (5) of this section shall have effect for the purposes of any proceedings before any court in the United Kingdom.

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft --

(a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise --

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence

under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (4) of this section, the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary --

- (i) to protect the safety of the aircraft or of persons or property on board the aircraft; or
- (ii) to maintain good order and discipline on board the aircraft; or
- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (5) of this section;

and for the purposes of paragraph (b) of this subsection any British-controlled aircraft shall be deemed to be registered in the United Kingdom whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) of this section to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time --

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5) of this section; or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft --

(a) if in the case of any person on board the aircraft he has reasonable grounds --

(i) to believe as mentioned in subsection (2)(a) of this section ; and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

(b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in subsection (2)(b) of this section, may deliver that person --

(i) in the United Kingdom, to a constable or immigration officer; or

(ii) in any other country which is a Convention country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer.

(6) The commander of an aircraft --

(a) if he disembarks any person in pursuance of subsection (5)(a) of this section, in the case of a British-controlled aircraft, in any country or, in the case of any other aircraft, in the United Kingdom, shall report the fact of, and the reasons for, that disembarkation to--

(i) an appropriate authority in the country of disembarkation; and

(ii) the appropriate diplomatic or consular office of the country of nationality of that person;

(b) if he intends to deliver any person in accordance with subsection (5)(b) of this section in the United Kingdom or, in the case of a British-controlled aircraft, in any other country which is a Convention

country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefor --

- (i) where the country in question is the United Kingdom, to a constable or immigration officer or, in the case of any other country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer;
- (ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person;

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Piracy.

4. For the avoidance of doubt, it is hereby declared that for the purposes of any proceedings before a court in the United Kingdom in respect of piracy, the provisions set out in the Schedule to this Act of the Convention on the High Seas signed at Geneva on 29th April 1958 shall be treated as constituting part of the law of nations, and any such court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft wherever that piracy is committed.

Provisions as to evidence in connection with aircraft.

5. (1) Where in any proceedings before a court in the United Kingdom for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in the United Kingdom, there shall be admissible in evidence before that court any deposition relating to the subject matter or those proceedings previously made on oath by that person outside the United Kingdom which was so made --

- (a) in the presence of the person charged with the offence; and
- (b) before a judge or magistrate of a country such as is mentioned in section 1(3) of the British Nationality Act 1948 as for the time being in force, or which is part of Her Majesty's dominions, or in which Her Majesty for the time being has jurisdiction, or before a consular officer of Her Majesty's Government in the United Kingdom.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom, that officer may inquire into the case upon oath.

(5) In this section--

(a) the expression "deposition" includes any affidavit, affirmation or statement made upon oath; and

(b) the expression "oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from, this section.

Provisions as to documentary evidence.

6. (i) In any legal proceedings

(a) a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Board of Trade as being, or being a true copy of, or of part of, a document issued or record kept in pursuance of--

(i) an Order in Council made under section 8 of the Civil Aviation Act 1949; or

(ii) the Civil Aviation (Licensing) Act 1960 or this Act,

by, or by the Minister in charge of, a government department, by an official of a government department who is specified for the purpose in any such Order in Council, or by the Air Registration Board or the Air Transport Licensing Board; or

(b) a document printed by Her Majesty's Stationery Office and purporting to be the publication known as the "United Kingdom Air Pilot" or a publication of the series known as "Notam-United Kingdom".

shall be evidence, and in Scotland sufficient evidence, of the matters appearing from that document.

(2) Section 5 of the Civil Aviation (Eurocontrol) Act 1962 (which relates to the use as evidence of certain records of the position of an aircraft or of any message or signal transmitted to or received from an aircraft) shall apply to any legal proceedings; and the authorities or persons to be designated for the purposes of subsection (1) of that section shall, instead of being designated as mentioned in subsection (2) of that section, be designated in all cases by regulations made under this subsection by the Board of Trade; and --

(a) the said subsection (2) is hereby repealed; but

(b) any provision made by regulations or Order in Council by virtue of that subsection and in force immediately before the commencement of this subsection shall continue in force as if contained in regulations made by the Board of Trade under this subsection until varied or revoked by regulations so made.

(3) Any regulations made under this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation, etc.

7. (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say --

“aircraft” means any aircraft, whether or not a British-controlled aircraft, other than --

(a) a military aircraft; or

(b) an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of Her Majesty in right of the United Kingdom;

but Her Majesty may by Order in Council, which may be varied or revoked by a subsequent Order in Council, provide that any of the provisions of this Act shall apply with or without modifications to aircraft such as are mentioned in paragraph (b) of this definition; “British-controlled aircraft” means an aircraft:

(a) which is for the time being registered in the United Kingdom; or

(b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely:

(i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom; and

(ii) that he resides or has his principal place of business in the United Kingdom; or

(c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid.

“commander” in relation to an aircraft means the member of the crew designated as commander of that aircraft by the operator thereof, or failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Convention country” means a country in which the Tokyo Convention is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country, and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country but may be varied or revoked by a subsequent Order in Council;

“military aircraft” means:

(a) an aircraft of the naval, military or air forces of any country; or

(b) any other aircraft in respect of which there is in force a certificate issued in accordance with an Order in Council in force under the Civil Aviation Act 1949 that the aircraft is to be treated for the purposes of that Order in Council as a military aircraft;

and a certificate of the Secretary of State that any aircraft is or is not a military aircraft for the purposes of this Act shall be conclusive evidence of the fact certified;

“operator” in relation to any aircraft at any time mean the person who at that time as the management of that aircraft;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of another pilot in the aircraft;

“Tokyo Convention” means the Convention on Offence and certain other Acts Committed on board Aircraft signed at Tokyo on 14th September 1963.

(2) For the purposes of this Act, the period during which aircraft is in flight shall be deemed to include:

(a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and

(b) for the purposes of section 3 of this Act--

- (i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
- (ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in the United Kingdom, the time when a constable arrives at the place of landing);

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, except where the context otherwise requires, any reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country and references to a part of the United Kingdom shall be construed as including references to so much of the territorial waters of the United Kingdom as are adjacent to that part.

(4) If the Board of Trade are satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more Convention countries) the Board may by order provide that for the purposes of this Act such aircraft as may be specified in the order shall be treated as registered in such Convention country as may be so specified; and any such order shall be made by statutory instrument and may be varied or revoked by a subsequent order under this subsection.

(5) For the purposes of section 7 of the Costs in Criminal Cases Act 1952 (which makes provision with respect to England and Wales as to the costs payable out of county or county borough funds) any offence—

- (a) which is committed on board an aircraft while in flight, whether in or over or outside the United Kingdom; or
- (b) in respect of which jurisdiction is conferred by section 4 of this Act,

shall be treated as having been committed within Admiralty jurisdiction; and subsections (2) and (3) of the said section 7 (which make provision with respect to offences committed within Admiralty jurisdiction including provision for the

repayment out of moneys provided by Parliament of costs paid out of any such fund as aforesaid) shall apply accordingly.

(6) The powers conferred on the Board of Trade by section 6 of this Act and subsection (4) of this section shall be exercisable by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Channel Islands, Isle of Man, etc.

8. (1) Her Majesty may by Order in Council direct that such of the provisions of this Act other than section 2 as may be specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.

Citation and commencement.

9. (1) This Act may be cited as the Tokyo Convention Act 1967.

(2) This Act, the Civil Aviation Acts 1949 and 1960, and the Civil Aviation (Eurocontrol) Act 1962 may be cited together as the Civil Aviation Acts 1949 to 1967.

(3) This Act shall come into force on such day as Her Majesty may by Order in Council appoint and different days may be appointed for different purposes.

SCHEDULE

PROVISIONS OF GENEVA CONVENTION ON THE HIGH SEAS TO BE TREATED AS PART OF THE LAW OF NATIONS

ARTICLE 15

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph (1) or sub-paragraph (2) of this article.

ARTICLE I6

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

ARTICLE I7

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

2. SUPPRESSION OF TERRORISM ACT 1978⁹⁶

1978 CHAPTER 26

An Act to give effect to the European Convention on the Suppression of Terrorism; to amend the law relating to the extradition of criminals and the obtaining of evidence for criminal proceedings outside the United Kingdom; to confer jurisdiction in respect of certain offences committed outside the United Kingdom; and for connected purposes.

[30th June 1978]

BE IT ENACTED by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Cases in which certain offences are not to be regarded as of a political character.

1. (1) This section applies to any offence of which a person is accused or has been convicted outside the United Kingdom if the act constituting the offence, or the equivalent act, would if it took place in any part of the United Kingdom or, in

⁹⁶ Schedule 2 of the Act has not been reproduced. The full text of the Act is available for consultation from the Codification Division, Office of Legal Affairs.

the case of an extra-territorial offence, in corresponding circumstances outside the United Kingdom, constitute one of the offences listed in Schedule 1 to this Act.

(2) For the purposes mentioned in subsection (3) below—

(a) no offence to which this section applies shall be regarded as an offence of a political character; and

(b) no proceedings in respect of an offence to which this section applies shall be regarded as a criminal matter of a political character or as criminal proceedings of a political character.

(3) Those purposes are—

(a) the purposes of the Extradition Act 1870 in relation to any requisition for the surrender of a fugitive criminal made on behalf of a convention country after the coming into force of this paragraph;

(b) the purposes of the Fugitive Offenders Act 1967 in relation to any request for the return of a person under that Act made on behalf of a convention country after the coming into force of this paragraph;

(c) the purposes of the Backing of Warrants (Republic of Ireland Act 1965 in relation to any warrant issued in the Republic of Ireland to which this paragraph applies by virtue of an order under subsection (4) below; and

(d) the purposes of section 5 of the Extradition Act 1873 (evidence for foreign criminal matters) and section 5 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (evidence for criminal proceedings outside the United Kingdom) in relation to—

(i) any criminal proceedings instituted in a convention country (not being the Republic of Ireland) after the coming into force of this sub-paragraph; and

(ii) any criminal proceedings in the Republic of Ireland to which this sub-paragraph applies by virtue of an order under subsection (4) below.

(4) The Secretary of State may by order direct that subsection (3)(c) above shall apply to warrants of the kind mentioned in section 1(1)(a) of the said Act of 1965 issued while the order is in force, and that subsection (3)(d)(ii) above shall apply to criminal proceedings instituted in the Republic of Ireland while the order is in force.

(5) On the revocation of an order made under subsection (4) above—

(a) subsection (3)(c) above shall cease to apply to any warrant issued while the order was in force; and

(b) subsection (3)(d)(ii) above shall cease to apply to any criminal proceedings instituted while the order was in force

but without prejudice to the validity of anything done while the order was in force.

Restrictions on return of criminal under Extradition Act 1870, or to Republic of Ireland, in certain cases.

2. (1) In relation to any requisition for the surrender of a fugitive criminal made as mentioned in section 1(3)(a) above in respect of an offence to which section 1 above applies, the Extradition Act 1870 shall have effect as if at the end of paragraph (1) of section 3 (which prohibits the surrender of a criminal if he proves as there mentioned that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character) there were added the words “or with a view to try or punish him on account of his race, religion, nationality, or political opinions, or that he might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions:”.

(2) In relation to any warrant issued in the Republic of Ireland which specifies an offence to which section 1 above applies, being a warrant to which paragraph (c) of subsection (3) of that section applies as mentioned in that paragraph, the Backing of Warrants (Republic of Ireland) Act of 1965 shall have effect as if at the end of section 2(2), as amended by the Criminal Jurisdiction Act 1975, (cases where warrant from Republic of Ireland is not to be executed) there were added the following words—

“or

(e) that there are substantial grounds for believing—

(i) that the warrant was in fact issued in order to secure the return of the person named or described in it to the Republic for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or

(ii) that he would, if returned there, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.”

Extraditable offences.

3. (1) There shall be deemed to be included in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870—

- (a) any offence under the Explosive Substances Act 1883;
- (b) any indictable offence under the Firearms Act 1968; and
- (c) any attempt to commit any of the crimes in that list (including crimes added to it after the passing of this Act).

(2) There shall be deemed to be included among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967—

- (a) any indictable offence under the Offences against the Person Act 1861;
- (b) any offence under the Explosive Substances Act 1883; and
- (c) any indictable offence under the Firearms Act 1968.

Jurisdiction in respect of offences committed outside the United Kingdom.

4. (1) If a person, whether a citizen of the United Kingdom and Colonies or not, does in a convention country any act which, if he had done it in a part of the United Kingdom, would have made him guilty in that part of the United Kingdom of—

- (a) an offence mentioned in paragraph 1, 2, 4, 5, 10, 11, 12, 13, 14 or 15 of Schedule 1 to this Act; or
- (b) an offence of attempting to commit any offence so mentioned,

he shall, in that part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person, whether a citizen of the United Kingdom and Colonies or not, does in a convention country any act to or in relation to a protected person which, if he had done it in a part of the United Kingdom, would have made him guilty in that part of the United Kingdom of—

- (a) an offence mentioned in paragraph 3, 6, 8 or 9 of Schedule 1 to this Act; or
- (b) an offence of attempting to commit any offence so mentioned, he shall, in that part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had done it there. For the purposes of this subsection it is immaterial whether a person knows that another person is a protected person.

(3) If a person who is a national of a convention country but not a citizen of the United Kingdom and Colonies does outside the United Kingdom and that

convention country any act which makes him in that convention country guilty of an offence and which, if he had been a citizen of the United Kingdom and Colonies, would have made him in any part of the United Kingdom guilty of an offence mentioned in paragraph 1, 2 or 13 of Schedule 1 to this Act, he shall, in any part of the United Kingdom, be guilty of the offence or offences aforesaid of which the act would have made him guilty if he had been such a citizen.

(4) Proceedings for an offence which would not be an offence apart from this section shall not be instituted—

(a) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland; or

(b) in England and Wales, except by or with the consent of the Attorney General;

and references to a consent provision in Article 7(3) to (5) of the Prosecution of Offences (Northern Ireland) Order 1972 (which relates to consents to prosecutions) shall include so much of this subsection as precedes paragraph (b).

(5) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which would not be an offence in Scotland apart from this section.

(6) In this section “a protected person” means, in relation to any such act as is mentioned in subsection (2) above, any of the following, namely—

(a) a person who at the time of the act is a Head of State, a member of a body which performs the functions of Head of State under the constitution of the State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;

(b) a person who at the time of the act is a representative or an official of a State or an official or agent of an international organization of an inter-governmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;

(c) a person who at the time of the act is a member of the family of another person mentioned in either of the preceding paragraphs and—

(i) if the other person is mentioned in paragraph (a) above, is accompanying him; or

(ii) if the other person is mentioned in paragraph (b) above, is a member of his household;

and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

(7) For the purposes of this section any act done—

(a) on board a ship registered in a convention country, being an act which, if the ship had been registered in the United Kingdom, would have constituted an offence within the jurisdiction of the Admiralty; or

(b) on board an aircraft registered in a convention country while the aircraft is in flight elsewhere than in or over that country; or

(c) on board a hovercraft registered in a convention country while the hovercraft is in journey elsewhere than in or over that country,

shall be treated as done in that convention country; and section 7(2) of the Tokyo Convention Act 1967 (meaning of “in flight” or, as applied to hovercraft, “in journey”) shall apply for the purposes of this subsection as it applies for the purposes of section 1 of that Act.

Power to apply provisions of Act to non-convention countries.

5. (1) In the case of any country which, not being a convention country, is either—

(a) a designated Commonwealth country within the meaning of the Fugitive Offenders Act 1967; or

(b) a foreign state with which there is in force an arrangement of the kind described in section 2 of the Extradition Act 1870 with respect to the surrender to that state of fugitive criminals; or

(c) a United Kingdom dependency within the meaning of the Fugitive Offenders Act 1967,

the Secretary of State may by order direct—

(i) in the case of a country within paragraph (a) or (b) above, that all or any of the provisions of this Act which would, apart from this section, apply only in relation to convention countries shall apply in relation to that country (subject to such exceptions, if any, as may be specified in the order) as they apply in relation to a convention country; or

- (ii) in the case of a country within paragraph (c) above, that the provisions of section 4 above shall so apply in relation to that country;

and while such an order is in force in the case of any country, the provisions in question shall apply in relation to it accordingly.

(2) The Secretary of State may, at any time when the Republic of Ireland is not a convention country, by order direct that section 4 above shall apply in relation to the Republic as if it were a convention country; and while such an order is in force, that section shall apply in relation to the Republic accordingly.

(3) An order under subsection (2) above shall, unless previously revoked, cease to have effect if the Republic of Ireland subsequently becomes a convention country.

Amendment to Criminal Jurisdiction Act 1975.

6. (1) For paragraph 2(2) of Schedule 3 to the Criminal Jurisdiction Act 1975 (postponement of operation of order for return to Republic of Ireland of person accused of extra-territorial offence where he is serving a sentence imposed for any other offence) there shall be substituted—

“(2) If at the time when the order under this paragraph is made the accused stands charged with or convicted of an offence other than the extra-territorial offence, so much of the order as directs him to be delivered as aforesaid shall not take effect until the conclusion of the proceedings (including any appeal or retrial) in respect of that other offence and of any sentence of imprisonment or detention imposed in those proceedings.”

(2) This section shall extend to Northern Ireland only.

Extension to Channel Islands, Isle of Man and other countries.

7. (1) Subject to subsection (2) below, this Act shall extend to the Channel Islands and the Isle of Man, and shall have effect as if each of them were part of the United Kingdom.

(2) Her Majesty may by Order in Council direct that this Act shall, in its application to any of the said islands, have effect subject to such exceptions, adaptations or modifications as may be specified in the Order.

(3) Her Majesty may by Order in Council make provision for extending any provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.

(4) An Order in Council under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) An Order in Council under subsection (2) or (3) above may be varied or revoked by a subsequent Order in Council under that subsection.

Provisions as to interpretation and orders.

8. (1) In this Act—

“act” includes omission;

“convention country” means a country for the time being designated in an order made by the Secretary of State as a party to the European Convention on the Suppression of Terrorism signed at Strasbourg on the 27th January 1977;

“country” includes any territory;

“enactment” includes an enactment of the Parliament of Northern Ireland, a Measure of the Northern Ireland Assembly, and an Order in Council under the Northern Ireland (Temporary Provisions) Act 1972 or the Northern Ireland Act 1974.

(2) Except so far as the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended by or under any other enactment, including this Act.

(3) For the purpose of construing references in this Act to other Acts, section 38(1) of the Interpretation Act 1889 shall apply in cases of repeal and re-enactment by a Measure of the Northern Ireland Assembly or by an Order in Council under the Northern Ireland Act 1974 as it applies in cases of repeal and re-enactment by an Act.

(4) Any power to make an order conferred on the Secretary of State by any provision of this Act—

(a) shall be exercisable by statutory instrument; and

(b) shall include power to revoke or vary a previous order made under that provision.

(5) No order shall be made—

(a) under section 1(4) above at a time when the Republic of Ireland is not a convention country; or

(b) under section 5 above at any time, unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(6) Any statutory instrument containing an order made under section 1(4) above at a time when the Republic of Ireland was a convention country or an order made under subsection (1) above shall be laid before Parliament after being made.

Short title, repeals and commencement.

9. (1) This Act may be cited as the Suppression of Terrorism Act 1978.

(2) The enactments specified in Schedule 2 to this Act (which contains provisions superseded by section 3 above) are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes.

SCHEDULES

SCHEDULE 1

LIST OF OFFENCES

Common law offences

1. Murder
2. Manslaughter or culpable homicide
3. Rape
4. Kidnapping, abduction or plagium
5. False imprisonment
6. Assault occasioning actual bodily harm or causing injury
7. Wilful fire-raising

Offences against the person

8. An offence under any of the following provisions of the Offences against the Person Act 1861—

- (a) section 18 (wounding with intent to cause grievous bodily harm);
- (b) section 20 (causing grievous bodily harm);
- (c) section 21 (attempting to choke etc. in order to commit or assist in the committing of any indictable offence);

(d) section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence);

(e) section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm);

(f) section 24 (maliciously administering poison with intent to injure etc);

(g) section 48 (rape).

9. An offence under section 11 of the Sexual Offences Act 1956 (rape).

Abduction

10. An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 55 (abduction of unmarried girl under 16) ;

(b) section 56 (child-stealing or receiving stolen child).

11. An offence under section 20 of the Sexual Offences Act 1956 (abduction of unmarried girl under 16).

Explosives

12. An offence under any of the following provisions of the Offences against the person Act 1861—

(a) section 28 (causing bodily injury by gunpowder);

(b) section 29 (causing gunpowder to explode etc. with intent to do grievous bodily harm);

(c) section 30 (placing gunpowder near a building etc. with intent to cause bodily injury).

13. An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property) ;

(b) section 3 (doing any act with intent to cause such an explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property).

Firearms

14. The following offences under the Firearms Act 1968—

(a) an offence under section 16 (possession of firearm with intent to injure);

(b) an offence under subsection (1) of section 17 (use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that section.

15. The following offences under the Firearms Act (Northern Ireland) 1969—

(a) an offence under section 14 consisting of a person's having in his possession any firearm or ammunition (within the meaning of that section) with intent by means thereof to endanger life, or to enable another person by means thereof to endanger life;

(b) an offence under subsection (1) of section 15 (use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that section.

Offences against property

16. An offence under section 1(2) of the Criminal Damage Act 1971 (destroying or damaging property intending to endanger life or being reckless as to danger to life).

17. An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 (destroying or damaging property intending to endanger life or being reckless as to danger to life).

Offences in relation to aircraft

18. An offence under the Hijacking Act 1971.

19. An offence under Part I of the Protection of Aircraft Act 1973.

Attempts

20. An offence of attempting to commit any offence mentioned in a preceding paragraph of this Schedule.

3. INTERNATIONALLY PROTECTED PERSONS ACT 1978

1978 CHAPTER 17

An Act to implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons adopted by the United Nations General Assembly in 1973.

[30th June 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Attacks and threats of attacks on protected persons.

1. (1) If a person, whether a citizen of the United Kingdom and Colonies or not, does outside the United Kingdom—

(a) any act to or in relation to a protected person which, if he had done it in any part of the United Kingdom, would have made him guilty of the offence of murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily harm or causing injury, kidnapping, abduction, false imprisonment or plagium or an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 56 of the Offences against the Person Act 1861 or section 2 of the Explosive Substances Act 1883; or

(b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in any part of the United Kingdom, would have made him guilty of an offence under section 2 of the Explosive Substances Act 1883, section 1 of the Criminal Damage Act 1971 or article 3 of the Criminal Damage (Northern Ireland) Order 1977 or the offence of wilful fire-raising,

he shall in any part of the United Kingdom be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in the United Kingdom or elsewhere, whether a citizen of the United Kingdom and Colonies or not—

(a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph (b) of that subsection in connection with an attack so mentioned; or

(b) aids, abets, counsels or procures, or is art and part in, the commission of such an offence or of an attempt to commit such an offence,

he shall in any part of the United Kingdom be guilty of attempting to commit the offence in question or, as the case may be, of aiding, abetting, counselling or procuring, or being art and part in, the commission of the offence or attempt in question.

(3) If a person in the United Kingdom or elsewhere, whether a citizen of the United Kingdom and Colonies or not –

(a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection; or

(b) attempts to make or aids, abets, counsels or procures or is art and part in the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids, abets, counsels or procures or is art and part in the making of it, shall in any part of the United Kingdom be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

(4) For the purposes of the preceding subsections it is immaterial whether a person knows that another person is a protected person.

(5) In this section—

“act” includes omission;

“a protected person” means, in relation to an alleged offence, any of the following, namely—

(a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State under the constitution of the State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;

(b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organization of an intergovernmental character, is entitled under

international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;

(c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and—

- (i) if the other person is mentioned in paragraph (a) above, is accompanying him,
- (ii) if the other person is mentioned in paragraph (b) above, is a member of his household;

“relevant premises” means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person; and

“vehicle” included any means of conveyance;

and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

Provisions supplementary to s.1.

2. (1) Proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978) would not be an offence apart from the preceding section shall not be begun—

- (a) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland;
- (b) in England and Wales, except by or with the consent of the Attorney General;

and references to a consent provision in article 7(3) to (5) of the Prosecution of Offences (Northern Ireland) Order 1972 (which relates to consents for prosecutions) shall include so much of this subsection as precedes paragraph (b).

(2) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978) would not be an offence in Scotland apart from the preceding section.

(3) Nothing in the preceding section shall prejudice the operation of any rule of law relating to attempts to commit offences, section 8 of the Accessories and Abettors Act 1861 or any rule of law in Scotland relating to art and part guilt.

(4) In the Schedule to the Visiting Forces Act 1952 (which specifies the offences which are offences against the person and against property for the purposes of section 3 of that Act)—

(a) at the end of paragraph 1 there shall be inserted the following subparagraph—

“(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and any of the following offences against a protected person within the meaning of that section, namely, an offence of kidnapping, an offence of false imprisonment and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life”.

(b) at the end of paragraph 2 there shall be inserted the following subparagraph—

“(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and the following offence against a protected person within the meaning of that section, namely, an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.”;

(c) at the end of paragraph 3 there shall be inserted the following subparagraph—

“(i) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978.”;

(d) at the end of paragraph 4 there shall be inserted the following subparagraph—

“(c) any of the following offences in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978, namely, an offence of wilful fire-raising and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property.”.

Extradition.

3. (1) An offence under section 1(3)(a) of this Act shall be deemed to be included in the list of extradition crimes in Schedule 1 to the Extradition Act 1870 and among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967.

(2) Where no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to the Convention mentioned in the title to this Act, an Order in Council applying that Act may be made under that section as if the Convention were such an arrangement with that State; but where that Act is applied by virtue of this subsection it shall have effect as so applied as if the only extradition crimes within the meaning of that Act were—

(a) an offence mentioned in paragraph (a) of subsection (1) of section 1 of this Act which is committed against a protected person within the meaning of that section;

(b) an offence mentioned in paragraph (b) of that subsection which is committed in connection with such an attack as is so mentioned;

(c) an attempt to commit an offence mentioned in the preceding paragraphs; and

(d) an offence under section 1(3) of this Act.

(3) For the purposes of the Extradition Act 1870 any act, wherever committed, which is an offence mentioned in the preceding subsection and an offence against the law of any State in the case of which that Act shall be deemed to be an offence committed within the jurisdiction of that State.

Application to Channel Islands, Isle of Man and other countries.

4. (1) Sections 17 and 22 of the Extradition Act 1870 (application to the Channel Islands, Isle of Man and United Kingdom dependencies) shall extend to the provisions of this Act amending that Act and sections 16 and 17 of the Fugitive Offenders Act 1967 (application as aforesaid) shall extend to the provisions of this Act amending that Act.

(2) Her Majesty may by Order in Council make provision for extending any of the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.

(3) Her Majesty may by Order in Council vary or revoke any Order in Council in force under this section.

Supplemental.

5. (1) This Act may be cited as the Internationally Protected Persons Act 1978.

(2) Any reference in this Act to an enactment is a reference to it as amended by or under any other enactment.

(3) For the purpose of construing references in this Act to other Acts, section 38(1) of the Interpretation Act 1889 shall apply in cases of repeal and re-enactment by a Measure of the Northern Ireland Assembly or by an Order in Council under the Northern Ireland Act 1974 as it applies in cases of repeal and re-enactment by an Act; and in the preceding subsection “enactment” includes an enactment of the Parliament of Northern Ireland, any such Measure and Order and an Order in Council under the Northern Ireland (Temporary Provisions) Act 1972.

(4) Section 4 of the Suppression of Terrorism Act 1978 (which related to certain offences committed outside the United Kingdom) shall have effect with the following amendments (which are consequential on provisions of this Act) namely—

(a) subsections (2) and (6) are hereby repealed; and

(b) in subsections (4) and (5) after the words “offence which” there shall be inserted the words “(disregarding the provisions of the Internationally Protected Persons Act 1978)”.

(5) This Act shall come into force on such day as Her Majesty may appoint by Order in Council.

4. TAKING OF HOSTAGES ACT 1982

1982 CHAPTER 28

An Act to implement the International Convention against the Taking of Hostages; and for connected purposes.

[13th July 1982]

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: —

Hostage-taking.

1. (1) A person, whatever his nationality, who, in the United Kingdom or elsewhere, —

(a) detains any other person (“the hostage”), and

(b) in order to compel a State, international governmental organization or person to do or abstain from doing any act, threatens to kill, injure or continue to detain the hostage,

commits an offence.

(2) A person guilty of an offence under this Act shall be liable, on conviction on indictment, to imprisonment for life.

Prosecution of offences.

2. (1) Proceedings for an offence under this Act shall not be instituted—

(a) in England and Wales, except by or with the consent of the Attorney General; and

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

(2) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under this Act, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

(3) In Part I of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 (scheduled offences for the purposes of that Act) after paragraph 19 there shall be inserted the following paragraph—

“Taking of Hostages Act of 1982

19A. Offences under the Taking of Hostages Act 1982.”.

Extradition.

3. (1) There shall be deemed to be included—

(a) in the list of extradition crimes in Schedule 1 to the Extradition Act 1870, and

(b) among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967,

any offence under this Act.

(2) In Schedule 1 to the Suppression of Terrorism Act 1978 (offences not to be regarded as of a political character) after paragraph 11 there shall be inserted the following paragraph—

“Taking of hostages

11A. An offence under the Taking of Hostages Act 1982.”.

(3) Where no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to the Convention, an Order in Council applying the Act of 1870 may be made under that section as if the Convention were such an arrangement with that State; but where the Act of 1870 is so applied it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.

(4) For the purposes of the Act of 1870 any act, wherever committed, which

(a) is an offence under this Act or an attempt to commit such an offence, and

(b) is an offence against the law of any State in the case of which that Act is applied by an Order in Council under section 2 of that Act,

shall be deemed to be an offence committed within the jurisdiction of that State.

(5) In subsection (3) above “the Convention” means the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.

Further provisions as to extradition.

4. In the Fugitive Offenders Act 1967 the following section shall be inserted after section 4—

“Restriction on return: hostage-taking.

4A. (1) A person shall not be returned under this Act to a designated Commonwealth country which is party to the Convention referred to in subsection (3) below, or committed to or kept in custody for the purposes of such return if it appears to the Secretary of State, to the court of committal or to the High Court of Justiciary on an application for habeas corpus or for review of the order of committal—

(a) that he might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him ; and

(b) that the act of omission constituting the offence of which he has been accused or convicted also constituted an offence under section 1 of the Taking of Hostages Act 1982 or an attempt to commit such an offence.

(2) Where the Secretary of State certifies that a country is a party to the Convention the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) The Convention mentioned in subsections (1) and (2) above is the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.”.

Application to Channel Islands, Isle of Man, etc.

5. (1) Sections 17 and 22 of the Extradition Act 1870 and sections 16 and 17 of the Fugitive Offenders Act 1967 (application to Channel Islands, Isle of Man and colonies) shall extend respectively to the provisions of this Act amending those Acts.

(2) Her Majesty may by Order in Council make provision for extending the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man or any colony.

Short title and commencement.

6. (1) This act may be cited as the Taking of Hostages Act 1982.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

5. AVIATION SECURITY ACT 1982

1982 CHAPTER 36

An Act to consolidate certain enactments relating to aviation security.
[23rd July, 1982]

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I OFFENCES AGAINST THE SAFETY OF AIRCRAFT ETC.

Hijacking.

1. (1) A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it commits the offence of hijacking, whatever his nationality, whatever the State in which the aircraft is registered and whether the aircraft is in the United Kingdom or elsewhere, but subject to subsection (2) below.

(2) If—

- (a) the aircraft is used in military, customs or police service, or
- (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered,

subsection (1) above shall not apply unless—

- (i) the person seizing or exercising control of the aircraft is a United Kingdom national; or
- (ii) his act is committed in the United Kingdom; or
- (iii) the aircraft is registered in the United Kingdom or is used in the military or customs service of the United Kingdom or in the service of any police force in the United Kingdom.

(3) A person who commits the offence of hijacking shall be liable, on conviction on indictment, to imprisonment for life.

(4) If the Secretary of State by order made by statutory instrument declares—

- (a) that any two or more States named in the order have established an organisation or agency which operates aircraft; and
- (b) that one of those States has been designated as exercising, for aircraft so operated, the powers of the State of registration,

the State declared under paragraph (b) of this subsection shall be deemed for the purposes of this section to be the State in which any aircraft so operated is registered; but in relation to such an aircraft subsection (2)(b) above shall have effect as if it referred to the territory of any one of the States named in the order.

2. (1) It shall, subject to subsection (4) below, be an offence for any person unlawfully and intentionally—

- (a) to destroy an aircraft in service or so to damage such an aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.

(2) It shall also, subject to subsection (4) below, be an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance which is likely to destroy the aircraft, or is likely

so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act -

(a) may constitute an offence under subsection (1) above, or

(b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, or being art and part in, the commission of such an offence.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above shall apply whether any such act as is therein mentioned is committed in the United Kingdom or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) above shall not apply, to any act committed in relation to an aircraft used in military, customs or police service unless—

(a) the act is committed in the United Kingdom, or

(b) where the act is committed outside the United Kingdom the person committing it is a United Kingdom national.

(5) A person who commits an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

(6) In this section "unlawfully"—

(a) in relation to the commission of an act in the United Kingdom, means so as (apart from this Act) to constitute an offence under the law of the part of the United Kingdom in which the act is committed, and

(b) in relation to the commission of an act outside the United Kingdom, means so that the commission of the act would (apart from this Act) have been an offence under the law of England and Wales if it had been committed in England and Wales or of Scotland if it had been committed in Scotland.

(7) In this section "act of violence" means—

(a) any act done in the United Kingdom which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the Person Act 1861 or under section 2 of the Explosive Substances Act 1883, and

(b) any act done outside the United Kingdom which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above.

Other acts endangering or likely to endanger safety of aircraft.

3. (1) It shall, subject to subsections (5) and (6) below, be an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

(2) Subsection (1) above applies to any property used for the provision of air navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) It shall also, subject to subsections (4) and (5) below, be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of aircraft in flight.

(4) It shall be a defence for a person charged with an offence under subsection (3) above to prove—

(a) that he believed, and had reasonable grounds for believing that the information was true; or

(b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) above shall not apply to the commission of any act unless either the act is committed in the United Kingdom, or, where it is committed outside the United Kingdom—

(a) the person committing it is a United Kingdom national; or

(b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in the United Kingdom or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence, is in the United Kingdom; or

(c) the act is committed on board a civil aircraft which is so registered or so chartered; or

(d) the act is committed on board a civil aircraft which lands in the United Kingdom with the person who committed the act still on board.

(6) Subsection (1) above shall also not apply to any act committed outside the United Kingdom and so committed in relation to property which is situated outside the United Kingdom and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a United Kingdom national.

(7) A person who commits an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

(8) In this section "civil aircraft" means any aircraft other than an aircraft used in military, customs or police service and "unlawfully" has the same meaning as in section 2 of this Act.

Offences in relation to certain dangerous articles.

4. (1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him—

(a) in any aircraft registered in the United Kingdom, whether at a time when the aircraft is in the United Kingdom or not, or

(b) in any other aircraft at a time when it is in, or in flight over, the United Kingdom, or

(c) in any part of an aerodrome in the United Kingdom, or

(d) in any air navigation installation in the United Kingdom which does not form part of an aerodrome,

any article to which this section applies.

(2) This section applies to the following articles, that is to say—

(a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not ;

(b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive and

(e) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(3) For the purposes of this section a person who is for the time being in an aircraft, or in part of an aerodrome, shall be treated as having with him in the aircraft, or in that part of the aerodrome, as the case may be, an article to which this section applies if—

(a) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight, or

(b) where he is in part of an aerodrome (otherwise than in an aircraft), the article, or an article in which it is contained, is in that or any other part of the aerodrome and has been caused (whether by him or by any other person) to be brought into the aerodrome as being, or as forming part of, his baggage on a flight from that aerodrome or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight on which he is also to be carried,

notwithstanding that the circumstances may be such that (apart from this subsection) he would not be regarded as having the article with him in the aircraft or in a part of the aerodrome, as the case may be.

(4) A persons guilty of an offence under this section shall be liable—

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

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

(5) Nothing in subsection (3) above shall be construed as limiting the circumstances in which a person would, apart from that subsection, be regarded as having an article with him as mentioned in subsection (1) above.

Jurisdiction of courts in respect of air piracy.

5. (1) Any court in the United Kingdom having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft, wherever that piracy is committed.

(2) In subsection (1) above, " aircraft " has the same meaning as in section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft); and, for the purposes of this definition, section 101 of that Act (Crown aircraft) shall apply to this section as it applies to the said section 92.

Ancillary offences.

6. (1) Without prejudice to section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft) or to section 2(1)(b) of this Act, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside the United Kingdom any act which, if done in the United Kingdom would constitute the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 28 or 29 of the Offences against the Person Act 1861 or section 2 of the Explosive Substances Act 1883, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

(2) It shall be an offence for any person in the United Kingdom to induct or assist the commission outside the United Kingdom of any act which---

(a) would, but for subsection (2) of section 1 of this Act, be an offence under that section; or

(b) would, but for subsection (4) of section 2 of this Act, be an offence under that section; or

(c) would, but for subsection (5) or (6) of section 3 of this Act, be an offence under that section.

(3) A person who commits an offence under subsection (2) above shall be liable, on conviction on indictment, to imprisonment for life.

(4) Subsection (2) above shall have effect without prejudice to the operation, in relation to any offence under section 1, 2 or 3 of this Act—

(a) in England and Wales, or in Northern Ireland, of section 8 of the Accessories and Abettors Act 1861; or

(b) in Scotland of any rule of law relating to art and part guilt.

Powers exercisable on suspicion of intended offence under Part I.

7. (1) Where a constable has reasonable cause to suspect that a person about to embark on an aircraft in the United Kingdom, or a person on board such an aircraft, intends to commit, in relation to the aircraft, an offence under any of the preceding provisions of this Part of this Act (other than section 4), the constable may prohibit him from travelling on board the aircraft, and for the purpose of enforcing that prohibition the constable--

(a) may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and

(b) may arrest him without warrant and detain him for so long as may be necessary for that purpose.

(2) Any person who wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by subsection (1) above shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

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

(3) Subsection (1) above shall have effect without prejudice to the operation in relation to any offence under this Act—

(a) in England and Wales, of section 2 of the Criminal Law Act 1967 (which confers power to arrest without warrant) or of section 3 of that Act (use of force in making arrest etc.); or

(b) in Scotland, of any rule of law relating to power to arrest without warrant; or

(c) in Northern Ireland, of section 2 or 3 of the Criminal Law Act (Northern Ireland) 1967.

Prosecution of offences and proceedings.

8. (1) Proceedings for an offence under any of the preceding provisions of this Part of this Act (other than sections 4 and 7) shall not be instituted—

(a) in England and Wales, except by, or with the consent of, the Attorney General; and

(b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

(2) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under or by virtue of section 2, 3 or 6(2)(b) or (c) of this Act, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

Extradition.

9. (1) There shall be deemed to be included—

(a) in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870; and

(b) among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967;

any offence under any of the preceding provisions of this Part of this Act (other than sections 4 and 7).

(2) Where no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to a relevant Convention, an Order in Council applying that Act may be made under that section as if that Convention were such an arrangement with that State; but where that Act is so applied it shall have effect as if the only extradition crimes within the meaning of that Act were the offences which are offences in pursuance of that Convention.

(3) For the purposes of subsection (2) above—

(a) the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December 1970 is a relevant Convention and the offences which are offences in pursuance of that Convention are the offences under or by virtue of section 1 or 6(1) or (2)(a) of this Act and attempts to commit such offences; and

(b) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September 1971 is the only other relevant Convention and the offences which are offences in pursuance of that Convention are the offences under or by virtue of section 2, 3 or 6(2)(b) or (c) of this Act and attempts to commit such offences.

(4) For the purposes of the Extradition Act 1870, any act wherever committed, which—

(a) is an offence under any of the preceding provisions of this Part of this Act (other than sections 4 and 7) or an attempt to commit such an offence, or would be such an offence or attempt but for section 1(2), 2(4), or 3(5) or (6) of this Act, and

(b) is an offence against the law of any State in the case of which that Act has been applied by an Order in Council under section 2 of that Act.

shall be deemed to be an offence committed within the jurisdiction of that State.

PART II
PROTECTION OF AIRCRAFT, AERODROMES AND AIR NAVIGATION
INSTALLATIONS AGAINST ACTS OF VIOLENCE

General purposes

Purposes to which Part II applies.

10. (1) The purposes to which this Part of this Act applies are the protection against acts of violence-

- (a) of aircraft, and of persons or property on board aircraft;
- (b) of aerodromes, and of such persons or property as (in the case of persons) are at any time present in any part of an aerodrome or (in the case of property) forms part of an aerodrome or is at any time (whether permanently or temporarily) in any part of an aerodrome; and
- (c) of air navigation installations which do not form part of an aerodrome.

(2) In this Part of this Act "act of violence" means any act (whether actual or potential, and whether done or to be done in the United Kingdom or elsewhere) which either--

- (a) being an act done in Great Britain, constitutes, or
- (b) if done in Great Britain would constitute,

the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the Person Act 1861, under section 2 of the Explosive Substances Act 1883 or under section 1 of the Criminal Damage Act 1971 or, in Scotland, the offence of malicious mischief.

Powers of Secretary of State

Power for Secretary of State to require information.

11. (1) The Secretary of State may, by notice in writing served on any person who is—

- (a) the operator of one or more aircraft registered or operating in the United Kingdom, or
- (b) the manager of an aerodrome in the United Kingdom,

require that person to inform the Secretary of State of the measures, of a description specified in the notice, which are being taken in respect of aircraft registered or operating in the United Kingdom of which he is the operator or in respect of that aerodrome, as the case may be, for purposes to which this Part of this Act applies.

(2) A notice under subsection (1) above shall specify a date (not being earlier than four weeks from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the Secretary of State.

(3) Any such notice shall also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with subsection (1) above, to inform the Secretary of State if at any time—

(a) any further measures, in respect of aircraft registered or operating in the United Kingdom of which at that time he is the operator, or in respect of the aerodrome to which the information so furnished related, as the case may be, are taken for purposes to which this Part of this Act applies, either—

(i) by way of alteration of, or addition to the measures specified in any information previously furnished by him under this section, or

(ii) by way of applying any measures so specified to aircraft, or to a part of the aerodrome, not comprised in the previous information; or

(b) any measures taken as mentioned in that subsection or in paragraph (a) of this subsection are discontinued.

(4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with subsection (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which the further measures in question are taken or the measures are discontinued, as the case may be) as is specified in the notice for the purposes of this subsection.

(5) Any person who—

(a) refuses or without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum ;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(6) A notice served on a person under subsection (1) above may at any time be revoked by a further notice served on him by the Secretary of State.

Powers to impose restrictions in relation to aircraft.

12. (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered or operating in the United Kingdom, or to the manager of any aerodrome in the United Kingdom, requiring him—

- (a) not to cause or permit persons or property to go or be taken on board any aircraft to which the direction relates, or to come or be brought into proximity to any such aircraft, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or
- (b) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by constables or by other persons of a description so specified.

(2) Subject to subsection (3) below, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered in the United Kingdom requiring him not to cause or permit the aircraft to fly unless such modifications or alterations of the aircraft, or of apparatus or equipment installed in the aircraft, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in the aircraft.

(3) Before giving any direction under subsection (2) above, the Secretary of State shall inform the Civil Aviation Authority of the modifications, alterations or additional apparatus or equipment proposed to be required, and shall take account of any advice given to him by that Authority with respect to those proposals.

(4) In giving any direction under subsection (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.

(5) Subject to the following provisions of this Part of this Act, a direction given to an operator of aircraft under subsection (1) above may be given so as to relate—

(a) either to all the aircraft registered or operating in the United Kingdom of which at the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft, specified in the direction;

(b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and

(c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction ;

and a direction given to an operator of aircraft under subsection (2) above may be given so as to relate either to all aircraft registered in the United Kingdom of which at the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft, specified in the direction.

(6) Subject to the following provisions of this Part of this Act, a direction given to the manager of an aerodrome under subsection (1) above may be given so as to relate—

(a) either to all aircraft which at the time when the direction is given or at any subsequent time are in any part of the aerodrome, or to a class of such aircraft specified in the direction;

(b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and

(c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction.

(7) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

(8) A direction may be given under this section to a person appearing to the Secretary of State to be about to become—

(a) such an operator as is mentioned in subsection (1) or (2) above; or

(b) such a manager as is mentioned in subsection (1) above;

but a direction given to a person by virtue of this subsection shall not take effect until he becomes such an operator or manager, and, in relation to a direction so

given, the preceding provisions of this section shall apply with the necessary modifications.

(9) Any person who refuses or fails to comply with a direction given to him under this section shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

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

Power to require aerodrome managers to promote searches at aerodromes.

13. (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the manager of any aerodrome in the United Kingdom requiring him to use his best endeavours to secure that such searches to which this section applies are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

(2) The searches to which this section applies, in relation to an aerodrome, are searches—

(a) of the aerodrome or any part of it;

(b) of any aircraft which at the time when the direction is given or at any subsequent time is in any part of the aerodrome; and

(c) of persons or property (other than aircraft) which may at any such time be in any part of the aerodrome.

(3) Without prejudice to section 7(1) of this Act, where a direction given under this section to the manager of an aerodrome is for the time being in force, then if a constable, or any other person specified in the direction in accordance with this section has reasonable cause to suspect that an article to which section 4 of this Act applies is in, or may be brought into, any part of the aerodrome, he may, by virtue of this subsection and without a warrant, search any part of the aerodrome or any aircraft, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the aerodrome, and for that purpose—

(a) may enter any building or works in the aerodrome, or enter upon any land in the aerodrome, if need be by force, and

(b) may stop any such aircraft, vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.

(4) Any person who—

- (a) refuses or fails to comply with a direction given to him under this section, or
- (b) wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by subsection (3) above,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(5) Subsection (3) above shall have effect without prejudice to the operation, in relation to any offence under this Act—

- (a) in England and Wales, of section 2 of the Criminal Law Act 1967 (which confers power to arrest without warrant) or of section 3 of that Act (use of force in making arrest etc.); or
- (b) in Scotland, of any rule of law relating to power to arrest without warrant; or
- (c) in Northern Ireland, of section 2 or 3 of the Criminal Law Act (Northern Ireland) 1967.

General power to direct measures to be taken for purposes to which Part II applies.

14. (1) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person who is—

- (a) the operator of one or more aircraft registered or operating in the United Kingdom, or
- (b) the manager of an aerodrome in the United Kingdom,

requiring him to take, in respect of aircraft registered or operating in the United Kingdom of which he is the operator or in respect of that aerodrome, as the case may be, such measures for purposes to which this Part of this Act applies as are specified in the direction.

(2) Without prejudice to the generality of subsection (1) above, the measures to be specified in a direction given under this section to an operator of aircraft, or to the manager of an aerodrome, may include the provision by the operator or

manager of persons charged with the duty (at such times as may be specified in the direction)—

(a) of guarding the aircraft, or

(b) of guarding the aerodrome, or persons or property (including aircraft) in any part of the aerodrome,

against acts of violence.

(3) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.

(4) A direction given under subsection (1) above to an operator of aircraft may be given so as to relate either to all the aircraft registered or operating in the United Kingdom of which at the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft specified in the direction.

(5) A direction under this section—

(a) shall not require any search (whether of persons or of property); and

(b) shall not require the modification or alteration of any aircraft, or of any of its apparatus or equipment, or the installation of additional apparatus or equipment, or prohibit any aircraft from being caused or permitted to fly without some modification or alteration of the aircraft or its apparatus or equipment or the installation of additional apparatus or equipment.

(6) A direction may be given under this section to a person appearing to the Secretary of State to be about to become such an operator or manager as is mentioned in paragraph (a) or (b) of subsection (1) above, but a direction given to a person by virtue of this subsection shall not take effect until he becomes such an operator or manager, and in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(7) Any person—

(a) who refuses or, without reasonable excuse, fails to comply with a direction given to him under this section, or

(b) wilfully interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(8) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

Supplemental provisions with respect to directions

Matters which may be included in directions under ss. 12 to 14.

15. (1) A direction under subsection (1) of section 12 or under section 13 of this Act may specify the minimum number of persons by whom any search to which the direction relates is to be carried out, the qualifications which persons carrying out any such search are to have, the manner in which any such search is to be carried out, and any apparatus, equipment or other aids to be used for the purpose of carrying out any such search.

(2) A direction under subsection (2) of section 12 of this Act may specify the qualifications required to be had by persons carrying out any modifications or alterations, or the installation of any additional apparatus or equipment, to which the direction relates.

(3) Before specifying any qualifications in accordance with subsection (2) above, the Secretary of State shall inform the Civil Aviation Authority of the qualifications proposed to be specified, and shall take account of any advice given to him by that Authority with respect to those proposals.

(4) A direction under section 14 of this Act may specify—

(a) the minimum number of persons to be employed for the purposes of any measures required by the direction to be taken by an operator of aircraft or by the manager of an aerodrome, and the qualifications which persons employed for those purposes are to have; and

(b) any apparatus, equipment or other aids to be used for those purposes.

(5) In so far as a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by constables, the direction may require the person to whom it is given to use his best endeavours to secure that constables will be duly authorised to carry, and will carry, firearms when carrying out the searches or taking the measures in question.

(6) Nothing in subsections (1) to (5) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.

(7) In this section "qualifications" includes training and experience.

Limitations on scope of directions under ss. 12 to 14.

16. (1) Without prejudice to subsection (5) or section 15 of this Act, a direction shall not require or authorise any person to carry a firearm.

(2) A direction shall not have effect in relation to any aircraft used in military, customs or police service.

(3) A direction shall not have effect in relation to any aircraft of which the operator is the Government of a country outside the United Kingdom, or is a department or agency of such a Government, except at a time when any such aircraft is being used for the carriage of passengers or cargo for reward or is for the time being allocated by that Government, department or agency for such use.

(4) A direction (except in so far as it requires any building or other works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising the operator of any aircraft, or the manager of any aerodrome, or any person acting as the servant or agent of such an operator or manager, to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances (whether at the instance of such an operator or manager or otherwise) by a constable, or its use by any other person in the exercise of a power conferred by section 7(1) or 13(3) of this Act or by any of the following provisions of this Act.

(5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—

(a) it shall not have effect except in relation to aircraft registered in the United Kingdom, and

(b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.

(6) In so far as a direction given to the manager of an aerodrome requires any building or other works to be constructed, executed, altered, demolished or removed on land outside the aerodrome, or requires any other measures to be taken on such land, the direction shall not confer on the manager of the aerodrome any rights as against a person having—

- (a) an interest in that land, or
- (b) a right to occupy that land, or
- (c) a right restrictive of its use;

and accordingly the direction shall not be construed as requiring the manager of the aerodrome to do anything which would be actionable at the suit or instance of such a person in his capacity as a person having that interest or right.

(7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.

(8) In this section "direction" means a direction under section 12, 13 or 14 of this Act.

General or urgent directions under ss. 12 and 14.

17. (1) A direction given to any person under section 12 or 14 of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.

(2) If it appears to the Secretary of State that an exception from any direction given under either of those sections is required as a matter of urgency in any particular case he may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction—

- (a) in relation to such aircraft or class of aircraft, or in relation to such persons or property or such description of persons or property, and
- (b) on such occasion or series of occasions, or for such period.

as he may specify; and the direction shall have effect in that case subject to any exceptions so specified.

(3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so)—

- (a) if a direction in writing is subsequently given to that person varying or revoking the original direction ; or
- (b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.

(4) Any notification given under subsection (2) above shall be regarded as given to the person to whom it is directed if it is given—

(a) to any person authorised by that person to receive any such direction or notification;

(b) where that person is a body corporate, to the secretary, clerk or similar officer of the body corporate; and

(c) in any other case, to anyone holding a comparable office or position in that person's employment.

Objections to certain directions under s. 14.

18. (1) This section applies to any direction given under section 14 of this Act which—

(a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works; and

(b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.

(2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the Secretary of State a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, in so far as they relate to the construction, execution, alteration, demolition or removal of a building or other works—

(a) are unnecessary and should be dispensed with; or

(b) are excessively onerous or inconvenient and should be modified in a manner specified in the notice.

(3) Where the person to whom such a direction is given serves a notice under subsection (2) above objecting to the direction, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the direction as originally given; or

(b) confirming it subject to one or more modifications specified in the notice under this subsection ; or

- (c) withdrawing the direction;

and the direction shall not take effect until it has been confirmed (with or without modifications) by a notice served under this subsection.

Operation of directions under Part II in relation to rights and duties under other laws.

19. (1) The following provisions of this section, where they refer to a direction under any of the preceding provisions of this Part of this Act, shall be construed as referring to that direction as it has effect subject to any limitation imposed on its operation—

- (a) by section 16 of this Act, or
- (b) by any exemption or immunity of the Crown;

and any reference in those provisions to compliance with such a direction shall be construed as a reference to compliance with it subject to any limitation so imposed.

(2) In so far as any such direction requires anything to be done or not done in the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other Act or any rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with such a direction.

(3) In so far as such a direction requires anything to be done or not done at a place outside the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not); and accordingly, where such a direction is inconsistent with anything in such a contract, it shall (without prejudice to any proceedings in a court other than a United Kingdom court) be construed as requiring compliance with the direction notwithstanding that compliance would be in breach of that contract.

(4) No proceedings for breach of contract shall lie against any person in a United Kingdom court by reason of anything done or not done by him or on his behalf at a place outside the United Kingdom in compliance with any such direction, if the contract in question is a United Kingdom contract.

(5) In this section "United Kingdom court" means a court exercising jurisdiction in any part of the United Kingdom under the law of the United Kingdom or of part of the United Kingdom, and "United Kingdom contract" means a contract which is either expressed to have effect in accordance with the law of the United Kingdom or of part of the United Kingdom or (not being so expressed) is a contract of which the proper law is the law of the United Kingdom or of part of the United Kingdom.

Inspection of aircraft and aerodromes.

20. (1) For the purpose of enabling the Secretary of State to determine whether to give a direction to any person under any of the preceding provisions of this Part of this Act, or of ascertaining whether any such direction is being or has been complied with, any person authorised in writing by the Secretary of State (in this section referred to as an “authorised person”) shall have power, on production (if required) of his credentials, to inspect—

(a) any aircraft registered or operating in the United Kingdom, at a time when it is in the United Kingdom, or

(b) any part of any aerodrome in the United Kingdom.

(2) An authorised person inspecting an aircraft or any part of an aerodrome under subsection (1) shall have power—

(a) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the aerodrome or any property found by him there, to such tests, or

(b) to require the operator of the aircraft, or the manager of the aerodrome, to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by the preceding provisions of this section in relation to an aircraft or in relation to an aerodrome, shall have power—

(a) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it, or

(b) for the purpose of inspecting any part of an aerodrome, to enter any building or works in the aerodrome or enter upon any land in the aerodrome.

(4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.

(5) Any person who—

(a) wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by or under this section, or

(b) refuses or, without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(b) above, or

(c) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Air navigation installations

Application of provisions of Part II to air navigation installations.

21. (1) Sections 11, 13, 14, 15, 16 and 20 of this Act shall have effect in relation to air navigation installations in the United Kingdom in accordance with the following provisions of this section.

(2) In relation to any such air navigation installation which does not form part of an aerodrome, those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference to such an air navigation installation and any reference to the manager of an aerodrome were a reference to the authority, responsible for such an air navigation installation.

(3) Where an air navigation installation forms part of an aerodrome in the United Kingdom, those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference either—

- (a) to an aerodrome, or
- (b) to an air navigation installation which forms part of an aerodrome, or
- (c) to so much of an aerodrome as does not consist of an air navigation installation;

and accordingly a notice under section 11 of this Act or a direction under section 13 or 14 of this Act may be served or given either in respect of the whole of the aerodrome, or in respect of the air navigation installation separately, or in respect of so much of the aerodrome as does not consist of an air navigation installation.

(4) For the purposes—

(a) of the service of a notice or the giving of a direction under section 11, 13 or 14 of this Act as modified by subsection (3) above, where the notice is to be served or the direction given in respect of an air navigation installation separately, and

(b) of the operation of section 16 (6) of this Act in relation to a direction so given,

any reference in any of those sections to the manager of the aerodrome shall be construed as a reference to any person who is either the manager of the aerodrome or the authority responsible for the air navigation installation.

(5) Subsections (2) and (3) above shall not apply to section 13(3) of this Act; but where a direction given under section 13 of this Act, as applied or modified by the preceding provisions of this section, is for the time being in force—

(a) if it is a direction given in respect of an air navigation installation separately (whether that installation forms part of an aerodrome or not), the said section 13 (3) shall have effect in relation to that direction as if the air navigation were an aerodrome and, where the direction was given to the authority responsible for the air navigation installation, as if it had been given to the manager of that aerodrome;

(b) if it is a direction given in respect of so much of an aerodrome as does not consist of an air navigation installation, the said section 13 (3) shall have effect in relation to that direction as if any air navigation installation comprised in the aerodrome did not form part of the aerodrome.

(6) A direction under section 14 of this Act, as applied or modified by the preceding provisions of this section, may be given to the authority responsible for one or more air navigation installations so as to relate either—

(a) to all air navigation installations in the United Kingdom for which it is responsible at the time when the direction is given or at any subsequent time, or

(b) only to one or more such air navigation installations, or to a class of such air navigation installations, specified in the direction.

(7) Any reference in section 17, 18 (1) or 19 (1) of this Act to a direction given under a provision therein mentioned shall be construed as including a reference to a direction given under that provision as applied or modified by the preceding provisions of this section.

(8) Notwithstanding anything in subsection (2) (a) of section 20 of this Act, a person inspecting an air navigation installation under that section (or under that section as applied or modified by the preceding provisions of this section) shall not be empowered thereby to test any apparatus or equipment which constitutes or forms part of the air navigation installation.

Miscellaneous supplemental provisions

Compensation in respect of certain measures taken under Part II.

22. (1) The provisions of this section shall have effect where, in compliance with a direction under section 14 of this Act or under that section as applied or modified by section 21 of this Act, the manager of an aerodrome or the authority responsible for an air navigation installation takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land either within or outside the aerodrome or that air navigation installation, as the case may be.

(2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of that land, he shall be entitled to compensation equal to the amount of the depreciation or loss.

(3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land, who suffers loss in consequence of its being injuriously affected, shall be entitled to compensation equal to the amount of the loss.

(4) Any compensation to which a person is entitled under this section shall be payable to him by the person (whether being a manager of an aerodrome or the authority responsible for an air navigation installation) by whom the measures in question were taken.

(5) The provisions of Schedule 1 to this Act shall have effect for the purposes of this section; and the preceding provisions of this section shall have effect subject to the provisions of that Schedule.

Annual report by Secretary of State as to notices and directions under Part II.

23. (1) The Secretary of State shall, on or before 31st January in each year, lay before each House of Parliament a report stating the number of notices served by him under section 11 of this Act and the number of directions given by him under sections 12, 13 and 14 of this Act during the period of twelve months which expired with the preceding December.

(2) Each such report shall deal separately with notices served under section 11, directions given under section 12, directions given under section 13 and directions

given under section 14 of this Act, and, in relation to each of those matters, shall show separately—

(a) the number of notices or directions which, during the period to which the report relates, were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, operators of aircraft;

(b) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, managers of aerodromes; and

(c) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, authorities responsible for air navigation installations.

(3) In this section any reference to section 11, 13 or 14 of this Act shall be construed as including a reference to that section as applied or modified by section 21 of this Act.

Service of documents.

24. Any notice, any document containing a direction and any other document required or authorised by any provision of this Part of this Act to be served on or given to any person may be served or given—

(a) by delivering it to him, or

(b) by sending it to him by post at his usual or last-known residence or place of business, whether in the United Kingdom or elsewhere, or

(c) in the case of a body corporate, by delivering it to the secretary, clerk or similar officer of the body corporate at its registered or principal office in the United Kingdom (or, if it has no office in the United Kingdom, at its principal office, wherever it may be) or sending it by post to the secretary, clerk or similar officer of that body corporate at that office.

PART III
POLICING OF AIRPORTS

Designated airports.

25. (1) The Secretary of State may by order designate for the purposes of this Part of this Act any aerodrome used for the purposes of civil aviation if he considers that the policing of that aerodrome should, in the interests of the

preservation of the peace and the prevention of crime, be undertaken by constables under the direction and control of the chief officer of police for the police area in which the aerodrome is wholly or mainly situated.

(2) Before making an order under subsection (1) above in relation to any aerodrome the Secretary of State shall consult the manager of the aerodrome and the police authority and chief officer of police for the police area in question.

(3) The power to make an order under subsection (1) above shall be exercisable by statutory instrument and—

(a) any order containing a statement that it is made with the consent of the manager and the authority mentioned in subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament ;

(b) any order not containing such a statement shall be laid before Parliament in draft and shall not be made unless the draft is approved by resolution of each House of Parliament.

Exercise of police functions at designated airports.

26. (1) So long as any aerodrome is a designated airport—

(a) any relevant constable shall, when acting in the execution of his duty and, in particular, for the purpose of exercising the powers conferred on such a constable by or under the following provisions of this Part of this Act, be entitled as against the manager of the aerodrome to enter any part of the aerodrome; and

(b) no member of any aerodrome constabulary maintained by the manager shall have the powers and privileges or be liable to the duties and responsibilities of a constable on the aerodrome or exercise there any power conferred by or under any enactment on members of that constabulary or on constables generally.

(2) Paragraph (a) of subsection (1) above is without prejudice to any right of entry existing apart from that paragraph.

(3) The manager of an aerodrome which is a designated airport shall—

(a) make to the police authority for the relevant police area such payments in respect of the policing of the aerodrome, and

(b) provide, for use in connection with the policing of the aerodrome, such accommodation and facilities

as the manager and that authority may agree or as may, in default of agreement be determined by the Secretary of State.

(4) Where the relevant police area is the metropolitan police district, subsection (3) above shall have effect with the substitution for references to the police authority of references to the receiver for that district.

Prevention of theft at designated airports.

27. (1) Any relevant constable may in any aerodrome which is a designated airport --

(a) stop, and without warrant search and arrest, any airport employee whom he has reasonable grounds to suspect of having in his possession or of conveying in any manner anything stolen or unlawfully obtained on the aerodrome; and

(b) if he has reasonable grounds to suspect that anything stolen or unlawfully obtained on the aerodrome may be found in or on any vehicle carrying an airport employee or in or on any aircraft, stop and without warrant search and detain the vehicle or, as the case may be, board and without warrant search the aircraft.

(2) Any relevant constable may—

(a) stop any person who is leaving a cargo area in an aerodrome which is a designated airport and inspect any goods carried by that person;

(b) stop and search any vehicle or aircraft which is leaving any such area and inspect the vehicle or aircraft and any goods carried on or in it; and

(c) detain in the area—

(i) any such goods as aforesaid for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf by the manager of the aerodrome; and

(ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(3) Nothing in subsection (2) above shall be construed as conferring a power to search any person.

(4) In any cargo area in an aerodrome which is a designated airport the powers of a constable under subsection (1)(b) above—

(a) extend to any vehicle whether or not it is carrying an airport employee; and

(b) include power, not only to board and search an aircraft, but also to stop and detain it.

(5) In this section "airport employee", in relation to any aerodrome, means any person in the employment of the manager of the aerodrome and any person employed otherwise than by the manager to work on the aerodrome.

(6) In this section "cargo area" means, subject to subsection (7) below, any area which appears to the Secretary of State to be used wholly or mainly for the storage or handling of cargo in an aerodrome and is designated by an order made by him for the purposes of this section.

(7) Where an aerodrome owned or managed by the British Airports Authority becomes a designated airport at a time when an area in that aerodrome is designated for the purposes of section 12 of the Airports Authority Act 1975 (which makes provision corresponding to subsections (2) to (4) above) that area shall, unless the Secretary of State by order otherwise directs, be treated as a cargo area for the purposes of this section.

(8) Any power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) The powers conferred by this section on a relevant constable are without prejudice to any powers exercisable by him apart from this section.

Byelaws for designated airports.

28. (1) So long as any aerodrome is a designated airport any power of the manager of the aerodrome to make aerodrome byelaws shall, if it would not otherwise do so—

(a) extend to the making of byelaws in respect of the whole of the aerodrome; and

(b) include power to make byelaws requiring any person, if so requested by a relevant constable, to leave the aerodrome or any particular part of it or to state his name and address and the purpose of his being on the aerodrome.

(2) A relevant constable may remove from any aerodrome which is a designated airport, or from any part of it—

(a) any person who, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or part after being requested by the constable to do so;

(b) any vehicle, animal or thing brought to or left within the aerodrome or part in contravention of any aerodrome byelaws and any vehicle, animal or thing likely to cause danger or obstruction.

(3) A relevant constable may without warrant arrest a person within any aerodrome which is a designated airport—

(a) if he has reasonable cause to believe that the person has contravened any aerodrome byelaws and he does not know and cannot ascertain that person's name and address ; or

(b) if that person, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or any particular part of it after being requested by the constable to do so.

Control of road traffic at designated airports.

29. (1) So long as any aerodrome is a designated airport, the functions of a chief officer of police under any provisions applying in relation to the aerodrome under section 13(1) to (3) of the Airports Authority Act 1975 or section 37 of the Civil Aviation Act 1982 (application to certain aerodromes of provisions relating to road traffic) shall, notwithstanding any order under those sections, be exercisable by that officer to the exclusion of the chief officer of any aerodrome constabulary; and for the purposes of any functions of a chief officer of police under those provisions any part of the aerodrome which is not within the relevant police area shall be treated as if it were.

(2) So long as any aerodrome is a designated airport—

(a) traffic wardens appointed by the police authority for the relevant police area (or, if that area is the metropolitan police district, by the commissioner of police of the metropolis) may exercise their functions on the aerodrome and shall be entitled, as against the manager of the aerodrome, to enter the aerodrome accordingly;

(b) if the aerodrome is owned or managed by the British Airports Authority, no person employed by the Authority shall exercise in relation to the aerodrome any such functions as are mentioned in section 13(4) of the Airports Authority Act 1975 (appointment of traffic wardens by the Authority).

(3) The reference in subsection (1) above to section 13(1) to (3) of the Airports Authority Act 1975 includes a reference to section 13(2) of that Act as extended by section 14(2) thereof (functions as respects abandoned vehicles); and subsection

(2)(a) above has effect whether or not the whole of the aerodrome is in the relevant police area.

Supplementary orders.

30. (1) The Secretary of State may by order make such provision as appears to him to be necessary or expedient in connection with, or in consequence of, any aerodrome becoming or ceasing to be a designated airport.

(2) Without prejudice to the generality of subsection (1) above and to the preceding provisions of this Part of this Act, any order under this section may in particular—

(a) modify or suspend the operation of any local Act in so far as it makes provision in relation to the policing of the aerodrome;

(b) amend any aerodrome byelaws for the purpose of transferring to relevant constables any functions conferred thereby on members of an aerodrome constabulary, of extending the byelaws to the whole of the aerodrome or of including in them any such requirement as is mentioned in section 28(1)(b) of this Act ;

(c) make provision for any such transfers of officers and staff as are mentioned in subsection (3) below;

(d) make provision in respect of the pension rights of officers and staff so transferred, whether by requiring the making of payments, by modifying or revoking, or transferring or extinguishing liabilities or obligations under, any pension scheme, by transferring or winding up any pension fund or otherwise;

(e) require the manager of the aerodrome to make payments by way of compensation to or in respect of persons who suffer any loss of office or employment or loss or diminution of emoluments which is attributable to the aerodrome becoming a designated airport, being payments of such amount and on such terms and conditions as may be specified by or determined in accordance with the order;

(f) exclude any part of the aerodrome from the right of entry conferred by section 26(1)(a) or 29(2)(a) of this Act.

(3) The transfers for which provision may be made under this section are transfers, with the consent of the persons to be transferred, of—

(a) members of any aerodrome constabulary maintained by the manager of the aerodrome to the police force for the relevant police area;

(b) persons employed by the British Airports Authority to discharge such functions as are mentioned in section 13(4) of the Airports Authority Act 1975 to employment as traffic wardens by the police authority for the relevant police area or, if that area is the metropolitan police district, by the commissioner of police of the metropolis;

(c) other persons employed by the manager of the aerodrome for police purposes to employment by the police authority for the relevant police area or, if that area is a county, to employment by the police authority or the county council or, if that area is the metropolitan police district, to employment as members of the metropolitan civil staffs.

(4) Any member of an aerodrome constabulary transferred by virtue of an order under this section to the police force for the relevant police area shall be deemed to have been duly appointed as a member of that force and to have been duly attested as such and, unless the order otherwise provides, shall hold in that force the same rank as he held in the aerodrome constabulary.

(5) Any amendment of aerodrome byelaws by an order under this section shall have effect as if duly made by the manager of the aerodrome and confirmed under the enactment authorising the manager of the aerodrome to make aerodrome byelaws.

(6) Before making an order under this section in relation to any aerodrome the Secretary of State shall consult the manager of the aerodrome and the police authority and chief officer of police for the relevant police area.

(7) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation and application of Part III to Scotland and Northern Ireland.

31. (1) In this Part of this Act, subject to the following provisions of this section—

“aerodrome byelaws” means, in relation to any aerodrome, byelaws having effect under any enactment authorising the manager of the aerodrome to make byelaws in respect of the whole or any part of the aerodrome;

“aerodrome constabulary” means, in relation to any aerodrome, any body of constables which the manager of the aerodrome has power to maintain at the aerodrome;

“designated airport” means any aerodrome for the time being designated under section 25 of this Act;

“members of the metropolitan civil staffs” means persons who are employed under the commissioner of police of the metropolis or the receiver for the metropolitan police district and are not constables and whose salaries are paid out of the metropolitan police fund;

“relevant police area” and “relevant constable”, in relation to any aerodrome, mean respectively the police area in which the aerodrome is wholly or mainly situated and any constable under the direction and control of the chief officer of police for that area.

(2) In the application of this Part of this Act to Scotland—

(a) references to the police authority shall, where the relevant police area is a combined area, be construed as references to the joint police committee; and

(b) for the words in paragraph (c) of section 30(3) of this Act from “if that area is a county” to the end of the paragraph there shall be substituted the words “by any local authority exercising functions for that area or any part of that area”.

(3) In the application of this Part of this Act to Northern Ireland—

(a) the references in section 25(1) of this Act and subsection (1) above to constables or any constable under the direction and control of the chief officer of police for the area there mentioned shall be construed as references to members or any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;

(b) references in other provisions to a chief officer of police shall be construed as references to the Chief Constable of the Royal Ulster Constabulary; and

(c) references in any provision to the police authority or police force for a police area shall be construed respectively as references to the Police Authority for Northern Ireland and the Royal Ulster Constabulary.

PART IV THE AVIATION SECURITY FUND

The Aviation Security Fund.

32. (1) There shall continue to be, under the control and management of the Secretary of State, a fund called the Aviation Security Fund out of which payments shall be made in accordance with this section.

(2) The Secretary of State may, out of the Aviation Security Fund, reimburse to any person who is—

- (a) the operator of one or more aircraft registered or operating in the United Kingdom, or
- (b) the manager of an aerodrome in the United Kingdom, or
- (c) the authority responsible for an air navigation installation in the United Kingdom,

the whole or part of any expenses which, for purposes to which Part II of this Act applies, have at any time on or after 1st June 1972 been, or may at any time after the commencement of this Act be, incurred by that person in relation to those aircraft or to that aerodrome or air navigation installation, as the case may be, whether or not the expenses have been or are incurred in consequence of a direction given under Part II of this Act.

(3) For the purposes of this section any expenses incurred in paying compensation under section 22 of this Act shall be treated as being expenses incurred as mentioned in subsection (2) above.

(4) The Secretary of State may, out of the Aviation Security Fund, reimburse to the manager of an aerodrome such part as he may determine of—

- (a) any payments made or other expenses incurred by the manager under section 26(3) of this Act;
- (b) any payments made by the manager by virtue of any order under section 30 of this Act.

(5) If the Secretary of State certifies that any payment which, but for this subsection, would be paid out of the Aviation Security Fund under the preceding provisions of this section is of an exceptional nature, that payment may, with the consent of the Treasury, be paid out of money provided by Parliament instead of out of the Fund,

(6) Any money in the Aviation Security Fund which appears to the Secretary of the State not to be immediately required for the purposes of the Fund may be deposited by him with the Bank of England or with a recognised bank or licensed institution within the meaning of the Banking Act 1979, and any interest received by the Secretary of State in respect of money so deposited shall be paid by him into the Fund.

(7) There shall be paid out of the Aviation Security Fund into the Consolidated Fund sums equal to the amount of any expenses incurred by the Secretary of State in the management and control of the first-mentioned Fund.

Contributions to the Fund.

33. (1) The Secretary of State may make regulations containing such provisions as he considers appropriate for requiring managers of aerodromes to pay him, in respect of all aerodromes or of aerodromes of a prescribed class, contributions to the Aviation Security Fund calculated in accordance with the following provisions of this section.

(2) Those contributions shall be payable in respect of prescribed periods and the contribution payable for any aerodrome in respect of each such period shall be one of the following amounts, or if the regulations so provide, the aggregate of those amounts, that is to say—

(a) an amount ascertained by multiplying a prescribed sum by the number of passengers, or passengers of a prescribed description, who during that period arrived by air at or departed by air from that aerodrome or the number of such passengers in excess of a prescribed limit;

(b) an amount ascertained by multiplying a prescribed sum by the total prescribed units of weight of each aircraft, or aircraft of a prescribed description, which during that period arrived at or departed from that aerodrome.

(3) Without prejudice to the generality of subsection (1) above, regulations under this section may—

(a) prescribe the time when any contribution is to be paid;

(b) charge interest at a rate prescribed with the consent of the Treasury on so much of any contribution as is overdue;

(c) require managers of aerodromes, in relation to the aerodromes under their management, to furnish the Secretary of State with such information, to keep such records and to make such returns to him about the matters mentioned in subsection (2) above as may be prescribed;

(d) provide that contravention of any prescribed provision of the regulations (other than a failure to pay a contribution or interest on any overdue contribution) shall be an offence, either triable on indictment or summarily or triable only summarily, and punishable in each case with a fine, not exceeding, in the case of a summary conviction—

(i) in Great Britain, the statutory maximum if the offence is also triable on indictment or £1,000 if it is not;

(ii) in Northern Ireland, £1,000;

(e) make such incidental, supplemental and transitional provision as the Secretary of State thinks fit; and

(f) make different provision for different cases.

(4) The Secretary of State shall pay into the Aviation Security Fund all money received by him by virtue of regulations made under this section.

(5) The power to make regulations under this section shall be exercisable by statutory instrument; and regulations shall not be made under this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

(6) In this section "prescribed" means prescribed by regulations under this section.

Financing of the Fund borrowing.

34. (1) The Secretary of State may borrow temporarily by overdraft or otherwise such sums in sterling as he may require for the purposes of the Aviation Security Fund.

(2) The Secretary of State shall pay into the Aviation Security Fund any sum borrowed under subsection (1) above; and the Secretary of State shall make any repayment in respect of the principal of any such sum, and any payment in respect of interest thereon, out of the Fund.

(3) The aggregate amount outstanding by way of principal in respect of sums borrowed by the Secretary of State under subsection (1) above shall not at any time exceed £5 million, or such larger sum, not exceeding £10 million, as the Secretary of State may, by order made by statutory instrument with the consent of the Treasury, determine.

(4) The Treasury may guarantee in such manner and on such conditions as they think fit the repayment of, and the payment of any interest on, any sums borrowed by the Secretary of State under subsection (1) above.

(5) Immediately after any guarantee is given under subsection (4) above, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(6) Any sums required by the Treasury for fulfilling any guarantee given under subsection (4) above shall be charged on and paid out of the Consolidated Fund.

(7) Where any sum is issued out of the Consolidated Fund under subsection (6) above, the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged) lay before each House of Parliament an account of that sum

and of any payments made, during the financial year to which the account relates, by way of repayment of that sum or by way of interest thereon.

(8) Any sum issued for fulfilling a guarantee given under subsection (4) above shall be repaid by the Secretary of State out of the Aviation Security Fund to the Treasury in such manner and over such period and with interest thereon at such rate as the Treasury may determine; and any sums received by the Treasury under this subsection shall be paid into the Consolidated Fund.

(9) An order shall not be made under this section unless a draft of the order has been laid before the House of Commons and approved by a resolution of that House.

(10) References in this section to the borrowing of any sum under subsection (1) above, the giving of a guarantee under subsection (4) above, or the issuing of any sum out of the Consolidated Fund under subsection (6) above shall, in relation to any time before the commencement of this Act, include references to the borrowing of any sum, the giving of a guarantee or the issuing of any sum out of that Fund under subsection (1), (4) or, as the case may be, (6) of section 3 of the Civil Aviation Act 1978.

Accounts of the Fund.

35. The Secretary of State shall prepare accounts of the Aviation Security Fund in such form as the Treasury may direct and shall send them to the Comptroller and Auditor General not later than the end of the month of November following the end of the financial year to which the accounts relate; and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.

Power to wind up the Fund.

36. (1) The Secretary of State may at any time by order provide for the winding up of the Aviation Security Fund and, on the completion of the winding up, for the return to each manager of an aerodrome by whom contributions have been made to the Fund of a share of the net assets standing to the credit of the Fund which bears the same proportion to those assets as the manager's contributions to the Fund in the last twelve months during which contributions were made to the Fund bear to the total contributions made by managers of aerodromes to the Fund during those twelve months.

(2) On such day as is declared by the Secretary of State by order to be that on which the winding up was completed sections 32(1), (5), (6) and (7) and 33 of this Act shall cease to have effect, and as from that day subsections (2) and (4) of section 32 of this Act shall have effect as if—

- (a) all payments under those subsections fell to be defrayed out of money provided by Parliament, instead of out of the Aviation Security Fund; and
 - (b) the consent of the Treasury were required for all such payments.
- (3) The power to make an order under this section—
- (a) shall be exercisable by statutory instrument; and
 - (b) shall include power to make such incidental, supplemental or transitional provision as the Secretary of State thinks fit;

and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART V MISCELLANEOUS AND GENERAL

Offences by bodies corporate.

37. (1) Where an offence under this Act or under regulations made under section 33 of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Interpretation etc.

38. (1) In this Act, except in so far as the context otherwise requires—

“act of violence” shall be construed in accordance with section 2(7) or, as the case may require, section 10(2) of this Act;

“aerodrome” means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the Civil Aviation Act 1982 and (if and so far as not comprised in an aerodrome as defined in that Act) any land, building or works situated within the boundaries of an area designated, by an order made by the Secretary of State which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;

“air navigation installation” means any building, works, apparatus or equipment used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

“aircraft registered or operating in the United Kingdom” means any aircraft which is either—

- (a) an aircraft registered in the United Kingdom, or
- (b) an aircraft not so registered which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing at or taking off from one or more aerodromes in the United Kingdom;

“article” includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

“constable” includes any person having the powers and privileges of a constable;

“explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him;

“firearm” includes an airgun or air pistol;

“manager”, in relation to an aerodrome, means the person (whether the British Airports Authority, the Civil Aviation Authority, a local authority or any other person) by whom the aerodrome is managed;

“military service” includes naval and air force service;

“measures” (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of buildings or other works and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure;

“operator” has the same meaning as in the Civil Aviation Act 1982;

“property” includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

“the statutory maximum” means—

- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the Magistrates’ Courts Act 1980 (that is to say, £1,000 or

another sum fixed by order under section 143 of that Act to take account of changes in the value of money);

(b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (that is to say, £1,000 or another sum fixed by order under section 289D of that Act for that purpose);

(c) in Northern Ireland, £400;

“United Kingdom national” means an individual who is—

(a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen;

(b) a person who under the British Nationality Act 1981 is a British subject; or

(c) a British protected person (within the meaning of that Act).

(2) For the purposes of this Act—

(a) in the case of an air navigation installation provided by, or used wholly or mainly by, the Civil Aviation Authority, and

(b) in the case of any other air navigation installation, the manager of an aerodrome by whom it is provided, or by whom it is wholly or mainly used,

shall be taken to be the authority responsible for that air navigation installation.

(3) For the purposes of this Act—

(a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

(b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight,

and anything done on board an aircraft while in flight over any part of the United Kingdom shall be treated as done in that part of the United Kingdom.

(4) For the purposes of this Act the territorial waters adjacent to any part of the United Kingdom shall be treated as included in that part of the United Kingdom.

(5) Any power to make an order under subsection (1) above shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any power to give a direction under any provision of this Act shall be construed as including power to revoke or vary any such direction by a further direction given under that provision.

(7) Subject to section 18 of the Interpretation Act 1978 (which relates to offences under two or more laws). Part 1 of this Act shall not be construed as—

(a) conferring a right of action in any civil proceedings in respect of any contravention of this Act, or

(b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

(8) References in this Act to enactments (including the reference to Acts in section 30(2)(a) of this Act) shall include references to Northern Ireland enactments, that is to say to any enactment contained in an Act of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly, and without prejudice to the provisions of the Interpretation Act 1978, in the application of this Act to Northern Ireland, any reference to a Northern Ireland enactment or to an enactment which the Parliament of Northern Ireland had power to amend—

(a) shall be construed as including a reference to any Northern Ireland enactment passed after this Act and re-enacting the said enactment with or without modifications, and

(b) shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by any enactment, whether passed before or after this Act, and as including a reference thereto as extended or applied by or under any other enactment including this Act.

Extension of Act outside United Kingdom.

39. (1) Sections 17 and 22 of the Extradition Act 1870 and sections 16 and 17 of the Fugitive Offenders Act 1967 (application to Channel Islands, Isle of Man and United Kingdom dependencies) shall extend respectively to the provisions of this Act amending those Acts.

(2) Section 8 of the Tokyo Convention Act 1967 (application to Channel Islands, Isle of Man and United Kingdom dependencies) shall apply to section 5 of this Act as it applies to section 4 of that Act.

(3) Her Majesty may by Order in Council make provision for extending any of the provisions of this Act (other than the provisions to which subsection (1) or (2) above applies and the provisions of Part III) with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Majesty's Government in the United Kingdom.

(4) Except in pursuance of subsection (1) (2) or (3) above, the provisions of this Act and, in particular, the repeal of the provisions which those subsections re-enact do not affect the law of any country or territory outside the United Kingdom.

Consequential amendments, savings and repeals.

40. (1) Schedule 2 to this Act (which contains consequential amendments and savings) shall have effect; and the provisions, of that Schedule are without prejudice to sections 16 and 17 of the Interpretation Act 1978 (which relate to repeals).

(2) Subject to the provisions of Schedule 2 to this Act, the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of Schedule 3.

Short title and commencement.

41. (1) This Act may be cited as the Aviation Security Act 1982.

(2) This Act shall come into force on the expiration of the period of three months beginning with its passing.

SCHEDULES

SCHEDULE I PROVISIONS RELATING TO COMPENSATION

1. This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as "the relevant section").

2. No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section (or in accordance with regulations made under the following provisions of this Schedule) serves on the manager of the aerodrome by whom the measures in question were

taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

3. In relation to any measures taken by the manager of an aerodrome on land outside the aerodrome, any reference in the relevant section to a direction, or to compliance with a direction, shall be construed as if subsection (6) of section 16 of this Act were omitted.

4. In calculating value for any of the purposes of the relevant section—

(a) rules (2) to (4) of the rules set out in section 5 of the Land Compensation Act 1961 shall apply with the necessary modifications, and

(b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage.

5. Regulations made by the Secretary of State by statutory instrument may make provisions—

(a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the relevant section ;

(b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rent charge, or to the trusts of a settlement, or, in Scotland to a feu duty or ground annual or to the purposes of a trust, or which was so subject at a time specified in the regulations; or

(c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

6. A statutory instrument containing regulations made under paragraph 5 of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

7. Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation or otherwise, shall be referred to and determined by the Lands Tribunal.

8. For the purposes of the application of paragraphs 2 to 7 of this Schedule to compensation in respect of measures taken by the authority responsible for an air navigation installation, references in those paragraphs to an aerodrome and to the

manager of an aerodrome shall be construed respectively as references to an air navigation installation and to the authority responsible for it.

9. In the application of this Schedule to Scotland—

(a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1901 shall be construed as a reference to section 12 of the Land Compensation (Scotland) Act 1963, and

(b) the reference in paragraph 7 to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

10. In the application of this Schedule to Northern Ireland—

(a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1961 shall be construed, notwithstanding paragraph 4 of Schedule 1 to the Land Compensation (Northern Ireland) Order 1982 (which confines the operation of that Order to matters within the legislative competence of the Parliament of Northern Ireland), as a reference to Article 6(1) of that Order; and

(b) the reference in paragraph 7 to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Northern Ireland.

11. In this Schedule "mortgage" includes any charge or lien on any property for securing money or money's worth, and any heritable security within the meaning of section 9(8) of the Conveyancing and Feudal Reform (Scotland) Act 1970.

SCHEDULE 2 CONSEQUENTIAL AMENDMENTS AND SAVINGS

Periods running at commencement

1. Where any period of time specified in or for the purposes of any enactment re-enacted by this Act is current at the commencement of this Act, this Act shall have effect as if the provision of this Act re-enacting that enactment had been in force when that period began to run.

Past offences

2. This Act (and, in particular, the following provisions of this Schedule) shall not affect the law applicable to, or to proceedings in respect of, an offence committed before the commencement of this Act under any enactment repealed by this Act.

The Visiting Forces Act 1952

3. Section 3 of the Visiting Forces Act 1952, as amended by the Protection of Aircraft Act 1973, shall, after the commencement of this Act, continue to have effect as so amended notwithstanding the repeal of the said Act of 1973 but subject to the substitution in subsection (1)—

(a) for the words "section 1(4)(b) of the Hijacking Act 1971" of the words "section 6(2)(a) of the Aviation Security Act 1982";

(b) for the words "section 1 or section 2 of the Protection of Aircraft Act 1973" of the words "section 2 or section 3 of that Act"; and

(c) for the words "section 3(1)" of the words "section 6(2)(b) and (c)".

The Protection of Aircraft Act 1973

4. Where before the commencement of this Act any land, building or works was or were, by virtue of an order under section 26 of the Protection of Aircraft Act 1973, included in an aerodrome for the purposes of that the Act, the land, building or works shall, to the extent that that order has effect on or after the commencement of this Act, be treated as included in that aerodrome not only for the purposes of the provisions of this Act re-enacting provisions of that Act but also for the purposes of the other provisions of this Act.

The Criminal Jurisdiction Act 1975

5. In paragraph 11 of Schedule 1 to the Criminal Jurisdiction Act 1975, for the words "the Hijacking Act 1971" there shall be substituted the words "the Aviation Security Act 1982".

The Northern Ireland (Emergency Provisions) Act 1978

6. In paragraph 14 of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978, for the words "the Hijacking Act 1971" there shall be substituted the words "The Aviation Security Act 1982".

The Suppression of Terrorism Act 1978

7. For paragraphs 18 and 19 of Schedule 1 to the Suppression of Terrorism Act 1978 there shall be substituted the following paragraph—

"18. An offence under Part I of the Aviation Security Act 1982 (other than an offence under section 4 or 7 of that Act)."

The British Nationality Act 1981

8. Until the commencement of the British Nationality Act 1981, section 38(1) of this Act shall have effect as if for the definition "United Kingdom national" there were substituted the following definition—

"United Kingdom national" means an individual who is—

- (a) a citizen of the United Kingdom and Colonies; or
- (b) a British subject by virtue of section 2 of the British Nationality Act 1948; or
- (c) a British subject without citizenship by virtue of section 13 or 16 of the said Act of 1948; or
- (d) a British subject by virtue of the British Nationality Act 1965; or
- (e) a British protected person within the meaning of the said Act of 1948".

SCHEDULE 3

REPEALS

Chapter	Short title	Extent of repeal
1967 c. 52.	The Tokyo Convention Act 1967	In section 4, the words from "and any such court" onwards. In section 7(1), the words from "except where" to "the said section 92".
1971 c. 70.	The Hijacking Act 1971.	The whole Act.
1973 c. 47.	The Protection of Aircraft Act 1973.	The whole Act.
1974 c. 41.	The Policing of Airports Act 1974.	The whole Act.
1975 c. 78.	The Airports Authority Act 1975.	In Part II of Schedule 5, paragraph 7.
1978 c. 8.	The Civil Aviation Act 1978.	Sections 1 to 4. In section 13, in subsection (1) the words from "other" to "regulations", in subsection (2) the words "or to make regulations", and in subsection (3) the

Chapter	Short title	Extent of repeal
		words “(including an Order in Council)”. Section 16(3) and (4).
1980 c. 43	The Magistrates’ Courts Act 1980.	In Schedule 7, paragraph 156.
1980 c. 60.	The Civil Aviation Act 1980.	Sections 22 and 23.
1981 c. 61.	The British Nationality Act 1981.	In Schedule 7, the entries relating to the Hijacking Act 1971 and the Protection of Aircraft Act 1973.
1982 c. 16.	The Civil Aviation Act 1982.	In Schedule 14, paragraph 10. In Schedule 15, in paragraph 6 the words from “for the definitions” to “the said section 92”; and “and paragraphs 10, 13, 15 and 20(3).”

6. CRIMINAL JUSTICE (TERRORISM AND CONSPIRACY) ACT 1998

An Act to make provision about procedure and forfeiture in relation to offences concerning proscribed organisations, and about conspiracy to commit offences outside the United Kingdom.

[4th September 1998]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

Proscribed organisations

Evidence and inferences: Great Britain

1. - (1) The following sections shall be inserted after section 2 of the Prevention of Terrorism (Temporary Provisions) Act 1989-

“Evidence and inferences

2A. - (1) This section applies where a person is charged with an offence under section 2(1)(a) above; and references here to a specified organisation must be construed in accordance with section 2B below.

(2) Subsection (3) below applies if a police officer of or above 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 at a particular time to an organisation which was then specified.

(3) If 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 in England and Wales, or be found to have a case to answer or be convicted, solely on the basis of the statement.

(4) Subsection (6) below applies if 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 he was permitted to consult a solicitor.

(5) Subsection (6) below also applies if 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 he was permitted to consult a solicitor.

(6) If this subsection applies-

- (a) the court or jury, 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 in England and Wales, or be found to have a case to answer or be convicted, solely on the basis of the inferences.

(7) 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.

(8) This section does not-

(a) prejudice the admissibility of evidence admissible apart from this section;

(b) preclude the drawing of inferences which could be drawn apart from this section;

(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).

(9) In subsection (8)(c) above the reference to giving evidence is reference to giving it in any manner (whether by giving information, making discovery or disclosure, producing documents otherwise).

(10) In any proceedings in Scotland for an offence under section 2(1)(a) above in which the accused is charged with belonging to a specified organisation, where the court or jury draws an inference as mentioned in subsection (6) above any evidence that belongs or, as the case may be, belonged to the organisation shall be sufficient evidence of that matter.

(11) In this section "police officer" means a member of-

(a) a police force within the meaning of the Act 1996 or the (Scotland) Act 1967, or

(b) the Royal Ulster Constabulary.

(12) This section does not apply to a statement made or failure occurring before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed.

Specified organisations.

2B. - (1) For the purposes of section 2A above an organisation is specified at a particular time if at that time-

(a) it is specified under section 3(8) of the Northern Ireland (Sentences) Act 1998 or under subsection (2) below, and

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

(2) If the condition in subsection (3) below is satisfied the Secretary of State may by order specify an organisation which is not specified under section 3(8) of the Northern Ireland (Sentences) Act 1998.

(3) The condition is that the Secretary of State believes that the organisation-

(a) is concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and

(b) has not established or is not maintaining a complete and unequivocal ceasefire.

(4) An order under this section shall be made by statutory instrument; and no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament."

(2) For the purposes of section 27 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (duration etc) sections 2A and 2B of that Act shall be treated as having been continued in force by the order under subsection (6) of section 27 which has effect when this Act is passed.

Evidence and inferences: Northern Ireland

2. The following sections shall be inserted after section 30 of the Northern Ireland. (Emergency Provisions) Act 1996 -

"Evidence and inferences.

30A. - (1) This section applies where a person is charged with an offence under section 30(1)(a); and references here to a specified organisation must be construed in accordance with section 30B.

(2) Subsection (3) applies if a police officer of or above 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 at a particular time to an organisation which was then specified.

(3) If 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 or be found to have a case to answer or be convicted solely on the basis of the statement.

(4) Subsection (6) applies if 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 he was permitted to consult a solicitor.

(5) Subsection (6) also applies if 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 he was permitted to consult a solicitor.

(6) If 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 or be found to have a case to answer or be convicted solely on the basis of the inferences.

(7) 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.

(8) This section does not-

(a) prejudice the admissibility of evidence admissible apart from this section;

(b) preclude the drawing of inferences which could be drawn apart from this section;

(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).

(9) In subsection (8)(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).

(10) In this section "police officer" means a member of-

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

(b) the Royal Ulster Constabulary.

(11) This section does not apply to a statement made or failure occurring before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed.

Specified organisations.

30B. (1) For the purposes of section 30A an organisation is specified at a particular time if at that time-

(a) it is specified under section 3(8) of the Northern Ireland (Sentences) Act 1998 or under subsection (2) below, and

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

(2) If the condition in subsection (3) is satisfied the Secretary of State may by order specify an organisation which is not specified under section 3(8) of the Northern Ireland (Sentences) Act 1998.

(3) The condition is that the Secretary of State believes that the organisation-

(a) is concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and

(b) has not established or is not maintaining a complete and unequivocal ceasefire.

(4) An order under this section shall be made by statutory instrument; and no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament."

Arrest and detention.

3. - (1) In section 14(1)(a) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of persons suspected of certain offences

etc) after "above" there shall be inserted "or under section 30 of the Northern Ireland (Emergency Provisions) Act 1996".

(2) This section applies whether the offence is suspected to have been committed before or on or after the day on which this Act is passed.

Forfeiture orders.

4. - (1) This section applies if-

(a) a person is convicted of an offence under section 2 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (membership etc proscribed organisations), and

(b) at the time of the offence he belonged to an organisation which was then a specified organisation for the purposes of section 2A of that Act.

(2) This section also applies if-

(a) a person is convicted of an offence under section 30 of the Northern Ireland (Emergency Provisions) Act 1996 (membership etc of proscribed organisations), and

(b) at the time of the offence he belonged to an organisation which was then a specified organisation for the purposes of section 30A of that Act.

(3) 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 furtherance of or in connection with the activities of the specified organisation, or the court believes it may be so used unless forfeited.

(4) If a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, before making such order in respect of it the court must give him an opportunity to be heard.

(5) The standard of proof required to determine any question arising as to whether subsection (1)(b), (2)(b) or (3)(a) or (b) is satisfied shall be that applicable in civil proceedings.

(6) For the purposes of this section property includes property wherever situated and whether real or personal, heritable or moveable, a thing in action or other intangible or incorporeal property.

(7) Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 shall apply in relation to orders under subsection (3) above, and in its application by virtue of this subsection-

(a) the references in paragraphs 1(1), 11(1) and 21(1) to section 13(2), (3) or (4) of that Act shall be treated as references to subsection (3) above;

(b) the references in paragraphs 1(1)(d), 11(1)(d) and 21(1)(d) to section 13(6) of that Act shall be treated as references to subsection (4) above.

(8) This section applies where the offence is committed on or after the day on which this Act is passed, 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 must be taken to be committed on the last of the days in the period.

(9) The following paragraphs apply so far as this section extends to England and Wales and Scotland-

(a) section 27(5) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (duration) shall apply to this section;

(b) for the purposes of section 27 this section shall be treated as having been continued in force by the order under subsection (6) of section 27 which has effect when this Act is passed.

(10) So far as this section extends Northern Ireland, for the purposes of section 62 of the Northern Ireland (Emergency Provisions) Act 1996 (duration etc) it shall be treated as a temporary provision of that Act.

Conspiracy to commit offences outside the United Kingdom

England and Wales.

5. (1) The following section shall be inserted after section 1 of the Criminal Law Act 1977 (conspiracy) -

“Conspiracy to commit offences outside the United Kingdom.

1A. (1) Where each of the following conditions is satisfied in the case of an agreement, this Part of this Act has effect in relation to the agreement as it has effect in relation to an agreement falling within section 1(1) above.

(2) The first condition is that the pursuit of the agreed course of conduct would at some stage involve-

(a) an act by one or more of the parties, or

(b) the happening of some other event,

intended to take place in a country or territory outside the United Kingdom.

(3) The second condition is that that act or other event constitutes an offence under the law in force in that country or territory.

(4) The third condition is that the agreement would fall within section 1(1) above as an agreement relating to the commission of an offence but for the fact that the offence would not be an offence triable in England and Wales if committed in accordance with the parties' intentions.

(5) The fourth condition is that-

(a) a party to the agreement, or a party's agent, did anything in England and Wales in relation to the agreement before its formation, or

(b) a party to the agreement became a party in England and Wales (by joining it either in person or through an agent), or

(c) a party to the agreement, or a party's agent, did or omitted anything in England and Wales in pursuance of the agreement.

(6) In the application of this Part of this Act to an agreement in the case of which each of the above conditions is satisfied, a reference to an offence is to be read as a reference to what would be the offence in question but for the fact that it is not an offence triable in England and Wales.

(7) Conduct punishable under the law in force in any country or territory is an offence under that law for the purposes of this section, however it is described in that law.

(8) Subject to subsection (9) below, the second condition is to be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice-

(a) stating that, on the facts as alleged with respect to the agreed course of conduct, the condition is not in their opinion satisfied,

(b) showing their grounds for that opinion, and

(c) requiring the prosecution to show that it is satisfied.

(9) The court may permit the defence to require the prosecution to show that the second condition is satisfied without the prior service of a notice under subsection (8) above.

(10) In the Crown Court the question whether the second condition is satisfied shall be decided by the judge alone, and shall be treated as a question of law for the purposes of-

(a) section 9(3) of the Criminal Justice Act 1987 (preparatory hearing in fraud cases), and

(b) section 31(3) of the Criminal Procedure and Investigations Act 1996 (preparatory hearing in other cases).

(11) Any act done by means of a message (however communicated) is to be treated for the purposes of the fourth condition as done in England and Wales if the message is sent or received in England and Wales.

(12) In any proceedings in respect of an offence triable by virtue of this section, it is immaterial to guilt whether or not the accused was a British citizen at the time of any act or other event proof of which is required for conviction of the offence.

(13) References in any enactment, instrument or document (except those in this Part of this Act) to an offence of conspiracy to commit an offence include an offence triable in England and Wales as such a conspiracy by virtue of this section (without prejudice to subsection (6) above).

(14) Nothing in this section-

(a) applies to an agreement entered into before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed, or

(b) imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.”

(2) At the end of section 4 of that Act (restrictions on the institution of proceedings) there shall be added-

“(5) Subject to subsection (6) below, no proceedings for an offence triable by virtue of section 1A above may be instituted except by or with the consent of the Attorney General.

(6) The Secretary of State may by order provide that subsection (5) above shall not apply, or shall not apply to any case of a description specified in the order.

(7) An order under subsection (6) above-

(a) shall be made by statutory instrument, and

(b) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Northern Ireland

6. (1) The provision set out in section 5(1) shall be inserted after Article 9 of the Criminal Attempts and Conspiracy (northern Ireland) Order 1983 (conspiracy) as Article 9A, with the following modifications:

- (a) for “this Part of this Act” substitute “this Part”;
- (b) for “section 1(1) above” substitute “Article 9(1)”;
- (c) for “England and Wales” substitute “Northern Ireland”;
- (d) for “subsection (9) below” substitute “paragraph (9)”;
- (e) for “subsection (8) above” substitute “paragraph (8)”;
- (f) for “section 9(3) of the Criminal Justice Act 1987” substitute “Article 8(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”;
- (g) for “this section” substitute “this article”; and
- (h) for “subsection (6) above” substitute “paragraph (6)”.

(2) At the end of Article 12 of that Order (restrictions on the institution of proceedings) there shall be added-

“(5) Subject to paragraph (6), no proceedings for an offence triable by virtue of Article 9 above may be instituted except by or with the consent of the Attorney General for Northern Ireland.

(6) The Secretary of State may by order provide that paragraph (5) shall not apply, or shall not apply to any case of a description specified in the order.

(7) No order shall be made under paragraph (6) unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Scotland

7. - (1) The following section shall be inserted after section 11 of the Criminal Procedure (Scotland) Act 1995 (certain offences committed outside Scotland)-

“Conspiracy to commit offences outside the United Kingdom

11A. - (1) This section applies to any act done by a person in Scotland which would amount to conspiracy to commit an offence but for the fact that the criminal purpose is intended to occur in a country or territory outside the United Kingdom.

(2) Where a person does an act to which this section applies, the criminal purpose shall be treated as the offence mentioned in subsection (1) above and he shall, accordingly, be guilty of conspiracy to commit the offence.

(3) A person is guilty of an offence by virtue of this section only if the criminal purpose would involve at some stage-

- (a) an act by him or another party to the conspiracy; or
- (b) the happening of some other event,

constituting an offence under the law in force in the country or territory where the act or other event was intended to take place; and conduct punishable under the law in force in the country or territory is an offence under that law for the purposes of this section however it is described in that law.

(4) Subject to subsection (6) below, a condition specified in subsection (3) above shall be taken to be satisfied unless, not later than such time as High Court may, by Act of Adjournal, prescribe, the accused serves on the prosecutor a notice-

- (a) stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in his opinion satisfied;
- (b) setting out the grounds for his opinion; and
- (c) requiring the prosecutor to prove that the condition is satisfied.

(5) In subsection (4) above “the relevant conduct” means the agreement to effect the criminal purpose.

(6) The court may permit the accused to require the prosecutor to prove that the condition mentioned in subsection (4) above is satisfied without the prior service of a notice under that subsection.

(7) In proceedings on indictment, the question whether a condition is satisfied shall be determined by the judge alone.

(8) Nothing in this section-

- (a) applies to an act done before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed, or
- (b) imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.”

General

Report to Parliament.

8. The Secretary of State shall lay before both Houses of Parliament at least once in every 12 months a report on the working of this Act.

Consequential amendments and repeals

9. - (1) Schedule 1 (consequential amendments) shall have effect.

(2) The enactments specified in Schedule 2 are hereby repealed or revoked to the extent specified.

(3) The amendments in Part II of Schedule 1, and the repeals and revocations in Part II of Schedule 2, shall have no effect-

(a) in England and Wales and Northern Ireland, in relation to an agreement entered into before the day on which this Act is passed, or

(b) in Scotland, in relation to an act done before the day on which this Act is passed.

Extent.

10. A provision of this Act which amends, repeals or revokes an enactment shall have the same extent as the enactment which it amends, repeals or revokes.

Short title.

11. This Act may be cited as the Criminal Justice (Terrorism and Conspiracy) Act 1998.

SCHEDULES

**SCHEDULE 1
CONSEQUENTIAL AMENDMENTS**

**PART I
PROSCRIBED ORGANISATIONS**

Criminal Justice Act 1988 (c.33)

1. In section 74(2) of the Criminal Justice Act 1988 (property not realisable) the word "or" at the end of paragraph (c) shall be omitted and at the end of paragraph (d) there shall be inserted "or

(e) an order under section 4(3) of the Criminal Justice (Terrorism and Conspiracy) Act 1998 (forfeiture orders),”.

Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

2. In Schedule 3 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (supervision of detention and examination powers) in paragraph 3(3)(a)(i) for “(in the case of detention under section 14) or under section 8” there shall be substituted “or under section 30 of the Northern Ireland (Emergency Provisions) Act 1996 (in the case of detention under section 14 of this Act) or under section 8 of this Act”.

Drug Trafficking Act 1994 (c.37)

3. In section 6(3) of the Drug Trafficking Act 1994 (property not realisable) after paragraph (e) there shall be inserted –

“(f) section 4(3) of the Criminal Justice (Terrorism and Conspiracy) Act 1998 (forfeiture orders).”

PART II
CONSPIRACY

Criminal Law Act 1977 (c.45)

4. In section 1 of the Criminal Law Act 1977 (conspiracy) the following shall cease to have effect—

- (a) subsections (1A) and (1B),
- (b) in subsection (4), the words from “except that” to the end, and
- (c) subsections (5) and (6).

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13)).

5. In Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (conspiracy) the following shall cease to have effect –

- (a) paragraphs (1A) and (1B),
- (b) in paragraph (4), the words from “except that” to the end, and
- (c) paragraphs (5) and (6).

Computer Misuse Act 1990 (c.18)

6. (1) In section 8 of the Computer Misuse Act 1990 (relevance of external law) –

(a) subsection (2) shall cease to have effect,

(b) in subsection (5), for “any of subsections (1) to (3)” there shall be substituted “subsection (1) or (3)”, and

(c) subsection (6)(b) shall cease to have effect.

(2) Section 9(2)(b) of that Act (British citizenship immaterial: conspiracy) shall cease to have effect.

(3) In section 16 of that Act (application to Northern Ireland) –

(a) in subsection (4), for “Subsections (5) to (7) below apply in substitution for subsections (1) to (3) of section 7” there shall be substituted “Subsection (7) below shall apply in substitution for subsection (3) of section 7”, and

(b) subsections (5), (6) and (8)(a) shall cease to have effect.

Criminal Justice Act 1993 (c.36)

7. (1) Section 5(1) of the Criminal Justice Act 1993 (conspiracy, attempt and incitement) shall cease to have effect.

(2) In section 6(1) of that Act (relevance of external law) the words “by virtue of section 1A of the Criminal Law Act 1977, or” shall cease to have effect.

Criminal Law (consolidation) (Scotland) Act 1995 (c.39)

8. Section 16A of the Criminal Law (Consolidation) (Scotland) Act 1995 (conspiracy or incitement to commit certain sexual acts outside the United Kingdom) shall be amended as follows –

(a) in subsection (1) omit the words “conspiracy or” and “the criminal purpose or, as the case may be,”,

(b) in subsection (2) omit the words “the criminal purpose or, as the case may be,” and “conspiracy or”,

(c) in subsection (3) omit paragraph (a) and the words “(b) in the case of proceedings charging incitement”, and

(d) in subsection (5) omit paragraph (a) and the words “(b) in relation to proceedings charging incitement”.

Sexual Offences (Conspiracy and Incitement Act 1996 (c.29))

9. (1) Section 1 of the Sexual Offences (Conspiracy and Incitement) Act 1996 (conspiracy to commit certain sexual acts outside the United Kingdom) shall cease to have effect.

(2) Section 3 of that Act (supplementary) shall be amended as follows –

(a) in subsection (1) for “sections 1 and 2” substitute “section 2”,

(b) in subsection (2) –

(i) omit “1(3) or”, and

(ii) for “the relevant conduct” substitute “what the accused had in view”,

(c) omit subsection (3),

(d) in subsection (6) omit “1 or”,

(e) omit subsection (7), and

(f) in subsection (9) –

(i) for “Subsections (7) and (8) apply” substitute “Subsection (8) applies”, and

(ii) for “sections 1 and 2” substitute “section 2”.

(3) Section 4(b) and (c) of that Act (application to Northern Ireland) shall cease to have effect.

(4) In section 7(3) of that Act (commencement), the word “1” shall cease to have effect.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

10. (1) Article 42(1)(b) of the Criminal Justice (Northern Ireland) Order 1996 (attempt, conspiracy and incitement) shall cease to have effect.

(2) In Article 43(2) of that Order (relevance of external law) the words “by virtue of Article 9A of that Order, or” shall cease to have effect.

SCHEDULE 2
REPEALS AND REVOCATIONS

PART I
PROSCRIBED ORGANISATIONS

Chapter	Short title	Extent of repeal
1988 c. 33.	Criminal Justice Act 1988.	In section 74(2) the word "or" at the end of paragraph (c).

PART II
CONSPIRACY

Chapter	Short title	Extent of repeal
1977 c. 45.	Criminal Law Act 1977.	In section 1, subsections (1A) and (1B), the words in subsection (4) from "except that" to the end, and subsections (5) and (6).
S.I. 1983/1120 (N.I. 13).	Criminal Attempts and Conspiracy (Northern Ireland) Order 1983.	In Article 9, paragraphs (1A) and (1B), the words in paragraph (4) from "except that" to the end, and paragraphs (5) and (6).
1990 c. 18.	Computer Misuse Act 1990.	Section 7(1) and (2). Section 8(2) and (6)(b). Section 9(2)(b). Section 16(5), (6) and (8)(a).
1993 c. 36.	Criminal Justice Act 1993.	Section 5(1). In section 6(1), the words "by virtue of section 1A of the Criminal Law Act 1977, or".
1995 c.39.	Criminal Law (Consolidation) (Scotland) Act 1995.	In section 16A, in subsection (1) the words "conspiracy or" and "the criminal purpose or, as the case may be," in subsection (2) the words "the criminal purpose or, as the case may be," and "conspiracy or", in subsection (3) paragraph

Chapter	Short title	Extent of repeal
		(a) and the words "(b) in the case of proceedings charging incitement" and in subsection (5) paragraph (a) and the words "(b) in relation to proceedings charging incitement".
1996 c.29.	Sexual Offences (Conspiracy and Incitement) Act 1996.	Section 1. In section 3, the words "1(3) or" in subsection (2), subsection (3), the words "1 or" in subsection (6) and subsection (7). Section 4(b) and (c). In section 7(3), the word "1".
S.I. 1996/3160 (N.I. 24).	Criminal Justice (Northern Ireland) Order 1996.	Article 42(1)(b). In Article 43(2), the words "by virtue of Article 9A of that Order, or".

7. TERRORISM ACT 2000

An Act to make provision about terrorism; and to make temporary provision for Northern Ireland about the prosecution and punishment of certain offences, the preservation of peace and the maintenance of order.
[20th July 2000]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I INTRODUCTORY

Terrorism: interpretation.

1. - (1) In this Act "terrorism" means the use or threat of action where-
- (a) the action falls within subsection (2),

(b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and

(c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this subsection if it-

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person's life, other than that of the person committing the action,

(d) creates a serious risk to the health or safety of the public or a section of the public, or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section-

(a) "action" includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(d) "the government" means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.

(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.

Temporary legislation.

2. - (1) The following shall cease to have effect-

(a) the Prevention of Terrorism (Temporary Provisions) Act 1989, and

(b) the Northern Ireland (Emergency Provisions) Act 1996.

(2) Schedule 1 (which preserves certain provisions of the 1996 Act, in some cases with amendment, for a transitional period) shall have effect.

PART II PROSCRIBED ORGANISATIONS

Procedure

Proscription.

3. - (1) For the purposes of this Act an organisation is proscribed if-

(a) it is listed in Schedule 2, or

(b) it operates under the same name as an organisation listed in that Schedule.

(2) Subsection (1)(b) shall not apply in relation to an organisation listed in Schedule 2 if its entry is the subject of a note in that Schedule.

(3) The Secretary of State may by order-

(a) add an organisation to Schedule 2;

(b) remove an organisation from that Schedule;

(c) amend that Schedule in some other way.

(4) The Secretary of State may exercise his power under subsection (3)(a) in respect of an organisation only if he believes that it is concerned in terrorism.

(5) For the purposes of subsection (4) an organisation is concerned in terrorism if it-

(a) commits or participates in acts of terrorism,

(b) prepares for terrorism,

(c) promotes or encourages terrorism, or

(d) is otherwise concerned in terrorism.

Deproscription: application.

4. - (1) An application may be made to the Secretary of State for the exercise of his power under section 3(3)(b) to remove an organisation from Schedule 2.
- (2) An application may be made by-
- (a) the organisation, or
 - (b) any person affected by the organisation's proscription.
- (3) The Secretary of State shall make regulations prescribing the procedure for applications under this section.
- (4) The regulations shall, in particular-
- (a) require the Secretary of State to determine an application within a specified period of time, and
 - (b) require an application to state the grounds on which it is made.

Deproscription: appeal.

5. - (1) There shall be a commission, to be known as the Proscribed Organisations Appeal Commission.
- (2) Where an application under section 4 has been refused, the applicant may appeal to the Commission.
- (3) The Commission shall allow an appeal against a refusal to deproscribe an organisation if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review.
- (4) Where the Commission allows an appeal under this section by or in respect of an organisation, it may make an order under this subsection.
- (5) Where an order is made under subsection (4) the Secretary of State shall as soon as is reasonably practicable-
- (a) lay before Parliament, in accordance with section 123(4), the draft of an order under section 3(3)(b) removing the organisation from the list in Schedule 2, or
 - (b) make an order removing the organisation from the list in Schedule 2 in pursuance of section 123(5).
- (6) Schedule 3 (constitution of the Commission and procedure) shall have effect.

Further appeal.

6. - (1) A party to an appeal under section 5 which the Proscribed Organisations Appeal Commission has determined may bring a further appeal on a question of law to-

- (a) the Court of Appeal, if the first appeal was heard in England and Wales,
- (b) the Court of Session, if the first appeal was heard in Scotland, or
- (c) the Court of Appeal in Northern Ireland, if the first appeal was heard in Northern Ireland.

(2) An appeal under subsection (1) may be brought only with the permission-

- (a) of the Commission, or
- (b) where the Commission refuses permission, of the court to which the appeal would be brought.

(3) An order under section 5(4) shall not require the Secretary of State to take any action until the final determination or disposal of an appeal under this section (including any appeal to the House of Lords).

Appeal: effect on conviction, &c.

7. - (1) This section applies where-

- (a) an appeal under section 5 has been allowed in respect of an organisation,
- (b) an order has been made under section 3(3)(b) in respect of the organisation in accordance with an order of the Commission under section 5(4) (and, if the order was made in reliance on section 123(5), a resolution has been passed by each House of Parliament under section 123(5)(b)),
- (c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and
- (d) the activity to which the charge referred took place on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.

(2) If the person mentioned in subsection (1)(c) was convicted on indictment-

- (a) he may appeal against the conviction to the Court of Appeal, and

- (b) the Court of Appeal shall allow the appeal.
- (3) A person may appeal against a conviction by virtue of subsection (2) whether or not he has already appealed against the conviction.
- (4) An appeal by virtue of subsection (2)-
- (a) must be brought within the period of 28 days beginning with the date on which the order mentioned in subsection (1)(b) comes into force, and
 - (b) shall be treated as an appeal under section 1 of the Criminal Appeal Act 1968 (but does not require leave).
- (5) If the person mentioned in subsection (1)(c) was convicted by a magistrates' court-
- (a) he may appeal against the conviction to the Crown Court, and
 - (b) the Crown Court shall allow the appeal.
- (6) A person may appeal against a conviction by virtue of subsection (5)-
- (a) whether or not he pleaded guilty,
 - (b) whether or not he has already appealed against the conviction, and
 - (e) whether or not he has made an application in respect of the conviction under section 111 of the Magistrates' Courts Act 1980 (case stated).
- (7) An appeal by virtue of subsection (5)-
- (a) must be brought within the period of 21 days beginning with the date on which the order mentioned in subsection (1)(b) comes into force, and
 - (b) shall be treated as an appeal under section 108(1)(b) of the Magistrates' Courts Act 1980.
- (8) In section 133(5) of the Criminal Justice Act 1988 (compensation for miscarriage of justice) after paragraph (b) there shall be inserted-
- “ or
- (c) on an appeal under section 7 of the Terrorism Act 2000”.

Section 7: Scotland and Northern Ireland.

8. - (1) In the application of section 7 to Scotland-

(a) for every reference to the Court of Appeal or the Crown Court substitute a reference to the High Court of Justiciary,

(b) in subsection (2)(b), at the end insert "and quash the conviction",

(c) in subsection (4)-

(i) in paragraph (a), for "28 days" substitute "two weeks", and

(ii) in paragraph (b), for "section 1 of the Criminal Appeal Act 1968" substitute "section 106 of the Criminal Procedure (Scotland) Act 1995",

(d) in subsection (5)-

(i) for "by a magistrates' court" substitute "in summary proceedings", and

(ii) in paragraph (b), at the end insert "and quash the conviction",

(e) in subsection (6), paragraph (c) is omitted, and

(f) in subsection (7)-

(i) in paragraph (a) for "21 days" substitute "two weeks", and

(ii) for paragraph (b) substitute-

"(b) shall be by note of appeal, which shall state the ground of appeal,

(c) shall not require leave under any provision of Part X of the Criminal Procedure (Scotland) Act 1995, and

(d) shall be in accordance with such procedure as the High Court of Justiciary may, by Act of Adjournal, determine.".

(2) In the application of section 7 to Northern Ireland-

(a) the reference in subsection (4) to section 1 of the Criminal Appeal Act 1968 shall be taken as a reference to section 1 of the Criminal Appeal (Northern Ireland) Act 1980,

(b) references in subsection (5) to the Crown Court shall be taken as references to the county court,

(c) the reference in subsection (6) to section 111 of the Magistrates' Courts Act 1980 shall be taken as a reference to Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981, and

(d) the reference in subsection (7) to section 108(1)(b) of the Magistrates' Courts Act 1980 shall be taken as a reference to Article 140(1)(b) of the Magistrates' Courts (Northern Ireland) Order 1981.

Human Rights Act 1998.

9. - (1) This section applies where rules (within the meaning of section 7 of the Human Rights Act 1998 (jurisdiction)) provide for proceedings under section 7(1) of that Act to be brought before the Proscribed Organisations Appeal Commission.

(2) The following provisions of this Act shall apply in relation to proceedings under section 7(1) of that Act as they apply to appeals under section 5 of this Act-

(a) section 5(4) and (5),

(b) section 6,

(c) section 7, and

(d) paragraphs 4 to 8 of Schedule 3.

(3) The Commission shall decide proceedings in accordance with the principles applicable on an application for judicial review.

(4) In the application of the provisions mentioned in subsection (2)-

(a) a reference to the Commission allowing an appeal shall be taken as a reference to the Commission determining that an action of the Secretary of State is incompatible with a Convention right, and

(b) a reference to the refusal to deproscribe against which an appeal was brought shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right.

Immunity.

10. - (1) The following shall not be admissible as evidence in proceedings for an offence under any of sections 11 to 13, 15 to 19 and 56-

(a) evidence of anything done in relation to an application to the Secretary of State under section 4,

(b) evidence of anything done in relation to proceedings before the Proscribed Organisations Appeal Commission under section 5 above or section 7(1) of the Human Rights Act 1998,

(c) evidence of anything done in relation to proceedings under section 6 (including that section as applied by section 9(2)), and

(d) any document submitted for the purposes of proceedings mentioned in any of paragraphs (a) to (c).

(2) But subsection (1) does not prevent evidence from being adduced on behalf of the accused.

Offences

Membership.

11. - (1) A person commits an offence if he belongs or professes to belong to a proscribed organisation.

(2) It is a defence for a person charged with an offence under subsection (1) to prove-

(a) that the organisation was not proscribed on the last (or only) occasion on which he became a member or began to profess to be a member, and

(b) that he has not taken part in the activities of the organisation at any time while it was proscribed.

(3) A person guilty of an offence under this section shall be liable-

(a) on conviction on indictment, to imprisonment for a term not exceeding ten 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.

(4) In subsection (2) "proscribed" means proscribed for the purposes of any of the following-

(a) this Act;

(b) the Northern Ireland (Emergency Provisions) Act 1996;

- (c) the Northern Ireland (Emergency Provisions) Act 1991;
- (d) the Prevention of Terrorism (Temporary Provisions) Act 1989;
- (e) the Prevention of Terrorism (Temporary Provisions) Act 1984;
- (f) the Northern Ireland (Emergency Provisions) Act 1978;
- (g) the Prevention of Terrorism (Temporary Provisions) Act 1976;
- (h) the Prevention of Terrorism (Temporary Provisions) Act 1974;
- (i) the Northern Ireland (Emergency Provisions) Act 1973.

Support.

12. - (1) A person commits an offence if-

- (a) he invites support for a proscribed organisation, and
- (b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is-

- (a) to support a proscribed organisation,
- (b) to further the activities of a proscribed organisation, or
- (c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.

(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.

(4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.

(5) In subsections (2) to (4)-

- (a) "meeting" means a meeting of three or more persons, whether or not the public are admitted, and
- (b) a meeting is private if the public are not admitted.

- (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 ten 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.

Uniform.

13. - (1) A person in a public place commits an offence if he-

- (a) wears an item of clothing, or
- (b) wears, carries or displays an article,

in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.

(2) A constable in Scotland may arrest a person without a warrant if he has reasonable grounds to suspect that the person is guilty of an offence under this section.

(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.

PART III TERRORIST PROPERTY

Interpretation

Terrorist property.

14. - (1) In this Act "terrorist property" means-

- (a) money or other property which is likely to be used for the purposes of terrorism (including any resources of a proscribed organisation),
- (b) proceeds of the commission of acts of terrorism, and

(c) proceeds of acts carried out for the purposes of terrorism.

(2) In subsection (1)-

(a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and

(b) the reference to an organisation's resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organisation.

Offences

Fund-raising.

15. - (1) A person commits an offence if he-

(a) invites another to provide money or other property, and

(b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(2) A person commits an offence if he-

(a) receives money or other property, and

(b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(3) A person commits an offence if he-

(a) provides money or other property, and

(b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

(4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

Use and possession.

16. - (1) A person commits an offence if he uses money or other property for the purposes of terrorism.

(2) A person commits an offence if he-

- (a) possesses money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

Funding arrangements.

17. A person commits an offence if-

- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
- (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

Money laundering.

18. - (1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property-

- (a) by concealment,
- (b) by removal from the jurisdiction,
- (c) by transfer to nominees, or
- (d) in any other way.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

Disclosure of information: duty.

19. - (1) This section applies where a person-

- (a) believes or suspects that another person has committed an offence under any of sections 15 to 18, and
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment.

(2) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable-

(a) his belief or suspicion, and

(b) the information on which it is based.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.

(4) Where-

(a) a person is in employment,

(b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and

(c) he is charged with an offence under that subsection,

it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.

(5) Subsection (2) does not require disclosure by a professional legal adviser of-

(a) information which he obtains in privileged circumstances, or

(b) a belief or suspicion based on information which he obtains in privileged circumstances.

(6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose-

(a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,

(b) from a person seeking legal advice from the adviser, or from the person's representative, or

(c) from any person, for the purpose of actual or contemplated legal proceedings.

(7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 15 to 18 if-

(a) he has taken an action or been in possession of a thing, and

(b) he would have committed an offence under one of those sections if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.

(8) A person guilty of an offence under this section shall be liable-

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

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

Disclosure of information: permission.

20. - (1) A person may disclose to a constable-

(a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;

(b) any matter on which the suspicion or belief is based.

(2) A person may make a disclosure to a constable in the circumstances mentioned in section 19(1) and (2).

(3) Subsections (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(4) Where-

(a) a person is in employment, and

(b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1) and section 19(2),

subsections (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

Cooperation with police.

21. - (1) A person does not commit an offence under any of sections 15 to 18 if he is acting with the express consent of a constable.

(2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable-

(a) his suspicion or belief that the money or other property is terrorist property, and

(b) the information on which his suspicion or belief is based.

- (3) Subsection (2) applies only where a person makes a disclosure-
- (a) after he becomes concerned in the transaction concerned,
 - (b) on his own initiative, and
 - (c) as soon as is reasonably practicable.
- (4) Subsection (2) does not apply to a person if-
- (a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and
 - (b) he continues his involvement.
- (5) It is a defence for a person charged with an offence under any of sections 15(2) and (3) and 16 to 18 to prove that-
- (a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and
 - (b) there is reasonable excuse for his failure to do so.
- (6) Where-
- (a) a person is in employment, and
 - (b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under subsection (2),

this section shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

(7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

Penalties.

22. A person guilty of an offence under any of sections 15 to 18 shall be liable-
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 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.

Forfeiture.

23. - (1) The court by or before which a person is convicted of an offence under any of sections 15 to 18 may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of an offence under section 15(1) or (2) or 16 the court may order the forfeiture of any money or other property-

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

(b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.

(3) Where a person is convicted of an offence under section 15(3) the court may order the forfeiture of any money or other property-

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

(b) which, at that time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(4) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property-

(a) to which the arrangement in question related, and

(b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(5) Where a person is convicted of an offence under section 18 the court may order the forfeiture of the money or other property to which the arrangement in question related.

(6) Where a person is convicted of an offence under any of sections 15 to 18, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

(7) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.

(8) A court in Scotland shall not make an order under this section except on the application of the prosecutor-

- (a) in proceedings on indictment, when he moves for sentence, and
- (b) in summary proceedings, before the court convicts the accused,

and for the purposes of any appeal or review, an order under this section made by a court in Scotland is a sentence.

(9) Schedule 4 (which makes further provision in relation to forfeiture orders under this section) shall have effect.

Seizure of terrorist cash

Interpretation.

24. - (1) In sections 25 to 31 "authorised officer" means any of the following-

- (a) a constable,
- (b) a customs officer, and
- (c) an immigration officer.

(2) In sections 25 to 31 "cash" means-

- (a) coins and notes in any currency,
- (b) postal orders,
- (c) travellers' cheques,
- (d) bankers' drafts, and
- (e) such other kinds of monetary instrument as the Secretary of State may specify by order.

Seizure and detention.

25. - (1) An authorised officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that-

- (a) it is intended to be used for the purposes of terrorism,
- (b) it forms the whole or part of the resources of a proscribed organisation, or

(c) it is terrorist property within the meaning given in section 14(1)(b) or (c).

(2) In subsection (1)(b) the reference to an organisation's resources includes a reference to any cash which is applied or made available, or is to be applied or made available, for use by the organisation.

(3) This section applies to cash which-

(a) is being imported into or exported from the United Kingdom,

(b) is being brought to any place in the United Kingdom for the purpose of being exported from the United Kingdom,

(c) is being brought to Northern Ireland from Great Britain, or to Great Britain from Northern Ireland,

(d) is being brought to any place in Northern Ireland for the purpose of being brought to Great Britain, or

(e) is being brought to any place in Great Britain for the purpose of being brought to Northern Ireland.

(4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 48 hours beginning with the time when it is seized.

(5) Where an order is made under section 26 in relation to cash seized, it may be detained during the period specified in the order.

Continued detention.

26. - (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court for an order under this section in relation to cash seized under section 25.

(2) An order under this section-

(a) shall authorise the further detention under section 25 of the cash to which it relates for a period specified in the order,

(b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and

(c) shall require notice to be given to the person from whom the cash was seized and to any other person who is affected by and specified in the order.

(3) An application for an order under this section may be granted only if the court is satisfied-

(a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c), and

(b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in the United Kingdom or elsewhere) which relate to the cash.

(4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.

(5) In Scotland, any application under this section shall be made by the procurator fiscal to the sheriff; and in this section a reference to a magistrates' court shall be taken as a reference to the sheriff.

Detained cash.

27. - (1) Cash detained under section 25 by virtue of an order under section 26 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.

(2) Any person may apply to a magistrates' court, or in Scotland to the sheriff, for a direction that cash detained under section 25 be released.

(3) A magistrates' court or the sheriff shall grant an application under subsection (2) if satisfied-

(a) that section 26(3)(a) or (b) no longer applies, or

(b) that the detention of the cash is for any other reason no longer justified.

(4) An authorised officer, or in Scotland the procurator fiscal, may release cash detained under section 25 if-

(a) he is satisfied that its detention is no longer justified, and

(b) he has notified the magistrates' court or sheriff who made the order by virtue of which the cash is being detained under section 25.

(5) Cash detained under section 25 shall not be released under this section-

(a) while proceedings on an application for its forfeiture under section 28 have not been concluded, or

(b) while proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded.

Forfeiture.

28. - (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court, or in Scotland the procurator fiscal may apply to the sheriff, for an order forfeiting cash being detained under section 25.

(2) A magistrates' court or the sheriff may grant an application only if satisfied on the balance of probabilities that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c).

(3) Before making an order under this section, a magistrates' court or the sheriff must give an opportunity to be heard to any person-

(a) who is not a party to the proceedings, and

(b) who claims to be the owner of or otherwise interested in any of the cash which can be forfeited under this section.

(4) An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash is connected.

(5) Proceedings on an application under this section to the sheriff shall be civil proceedings.

Forfeiture: appeal.

29. - (1) Subject to subsection (2), any party to proceedings in which a forfeiture order is made under section 28 may appeal-

(a) where the order is made by a magistrates' court in England and Wales, to the Crown Court,

(b) where the order is made by the sheriff in Scotland, to the Court of Session, or

(c) where the order is made by a magistrates' court in Northern Ireland, to the county court.

(2) An appeal under subsection (1)-

(a) must be brought before the end of the period of 30 days beginning with the date on which the forfeiture order was made, and

- (b) may not be brought by the applicant for the forfeiture order.
- (3) On an application by the appellant, a magistrates' court or the sheriff may order the release of so much of the cash to which the forfeiture order applies as it considers appropriate to enable him to meet his reasonable legal expenses in connection with the appeal.
- (4) An appeal under subsection (1) shall be by way of a rehearing.
- (5) If the court allows the appeal, it may order the release of-
- (a) the cash to which the forfeiture order applies together with any interest which has accrued, or
 - (b) where an order has been made under subsection (3), the remaining cash to which the forfeiture order applies together with any interest which has accrued.
- (6) Subsection (7) applies where a successful application for a forfeiture order relies (in whole or in part) on the fact that an organisation is proscribed, and-
- (a) a deproscription appeal under section 5 is allowed in respect of the organisation,
 - (b) an order is made under section 3(3)(b) in respect of the organisation in accordance with an order of the Proscribed Organisations Appeal Commission under section 5(4) (and, if the order is made in reliance on section 123(5), a resolution is passed by each House of Parliament under section 123(5)(b)), and
 - (c) the forfeited cash was seized under section 25 on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.
- (7) Where this subsection applies an appeal under subsection (1) may be brought at any time before the end of the period of 30 days beginning with the date on which the order under section 3(3)(b) comes into force.

Treatment of forfeited cash.

30. Any cash to which a forfeiture order under section 28 applies or accrued interest thereon shall be paid into the Consolidated Fund-
- (a) after the end of the period within which an appeal may be brought under section 29(1), or

(b) where an appeal is brought under section 29(1), after the appeal is determined or otherwise disposed of.

Rules of court.

31. Provision may be made by rules of court about the procedure on applications or appeals to any court under sections 26 to 29, and in particular as to-

(a) the giving of notice to persons affected by an application or appeal under those provisions;

(b) the joinder, or in Scotland the sisting, of those persons as parties to the proceedings.

PART IV
TERRORIST INVESTIGATIONS

Interpretation

Terrorist investigation.

32. In this Act "terrorist investigation" means an investigation of-

(a) the commission, preparation or instigation of acts of terrorism,

(b) an act which appears to have been done for the purposes of terrorism,

(c) the resources of a proscribed organisation,

(d) the possibility of making an order under section 3(3), or

(e) the commission, preparation or instigation of an offence under this Act.

Cordons

Cordoned areas.

33. - (1) An area is a cordoned area for the purposes of this Act if it is designated under this section.

(2) A designation may be made only if the person making it considers it expedient for the purposes of a terrorist investigation.

(3) If a designation is made orally, the person making it shall confirm it in writing as soon as is reasonably practicable.

(4) The person making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable-

- (a) by means of tape marked with the word "police", or
- (b) in such other manner as a constable considers appropriate.

Power to designate.

34. - (1) Subject to subsection (2), a designation under section 33 may only be made-

- (a) where the area is outside Northern Ireland and is wholly or partly within a police area, by an officer for the police area who is of at least the rank of superintendent, and
- (b) where the area is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of superintendent.

(2) A constable who is not of the rank required by subsection (1) may make a designation if he considers it necessary by reason of urgency.

(3) Where a constable makes a designation in reliance on subsection (2) he shall as soon as is reasonably practicable-

- (a) make a written record of the time at which the designation was made, and
- (b) ensure that a police officer of at least the rank of superintendent is informed.

(4) An officer who is informed of a designation in accordance with subsection (3)(b)-

- (a) shall confirm the designation or cancel it with effect from such time as he may direct, and
- (b) shall, if he cancels the designation, make a written record of the cancellation and the reason for it.

Duration.

35. - (1) A designation under section 33 has effect, subject to subsections (2) to (5), during the period-

- (a) beginning at the time when it is made, and

(b) ending with a date or at a time specified in the designation.

(2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 14 days beginning with the day on which the designation is made.

(3) The period during which a designation has effect may be extended in writing from time to time by-

(a) the person who made it, or

(b) a person who could have made it (otherwise than by virtue of section 34(2)).

(4) An extension shall specify the additional period during which the designation is to have effect.

(5) A designation shall not have effect after the end of the period of 28 days beginning with the day on which it is made.

Police powers.

36. - (1) A constable in uniform may-

(a) order a person in a cordoned area to leave it immediately;

(b) order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;

(c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;

(d) arrange for the removal of a vehicle from a cordoned area;

(e) arrange for the movement of a vehicle within a cordoned area;

(f) prohibit or restrict access to a cordoned area by pedestrians or vehicles.

(2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for his failure.

(4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to-

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

Information and evidence

Powers.

37. Schedule 5 (power to obtain information, &c.) shall have effect.

Financial information.

38. Schedule 6 (financial information) shall have effect.

Disclosure of information, &c.

39. - (1) Subsection (2) applies where a person knows or has reasonable cause to suspect that a constable is conducting or proposes to conduct a terrorist investigation.

(2) The person commits an offence if he-

- (a) discloses to another anything which is likely to prejudice the investigation, or
- (b) interferes with material which is likely to be relevant to the investigation.

(3) Subsection (4) applies where a person knows or has reasonable cause to suspect that a disclosure has been or will be made under any of sections 19 to 21.

(4) The person commits an offence if he-

- (a) discloses to another anything which is likely to prejudice an investigation resulting from the disclosure under that section, or
- (b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.

(5) It is a defence for a person charged with an offence under subsection (2) or (4) to prove-

- (a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation, or
- (b) that he had a reasonable excuse for the disclosure or interference.

(6) Subsections (2) and (4) do not apply to a disclosure which is made by a professional legal adviser-

(a) to his client or to his client's representative in connection with the provision of legal advice by the adviser to the client and not with a view to furthering a criminal purpose, or

(b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.

(7) A person guilty of an offence under this section shall be liable-

(a) on conviction on indictment, to imprisonment for a term not exceeding five 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.

(8) For the purposes of this section-

(a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation, and

(b) a person interferes with material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

PART V COUNTER-TERRORIST POWERS

Suspected terrorists

Terrorist: interpretation.

40. - (1) In this Part "terrorist" means a person who-

(a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63, or

(b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.

(2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of acts of terrorism includes a reference to a person who has been, whether before or after the passing of this Act, concerned in

the commission, preparation or instigation of acts of terrorism within the meaning given by section 1.

Arrest without warrant.

41. - (1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.

(2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.

(3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning-

(a) with the time of his arrest under this section, or

(b) if he was being detained under Schedule 7 when he was arrested under this section, with the time when his examination under that Schedule began.

(4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.

(5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.

(6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.

(7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.

(8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.

(9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

Search of premises.

42. - (1) A justice of the peace may on the application of a constable issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a person falling within section 40(1)(b) is to be found there.

(2) A warrant under this section shall authorise any constable to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 41.

(3) In the application of subsection (1) to Scotland-

(a) "justice of the peace" includes the sheriff, and

(b) the justice of the peace or sheriff can be satisfied as mentioned in that subsection only by having heard evidence on oath.

Search of persons.

43. - (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

(2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

(3) A search of a person under this section must be carried out by someone of the same sex.

(4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.

(5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

Power to stop and search

Authorisations.

44. - (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation and to search-

(a) the vehicle;

- (b) the driver of the vehicle;
- (c) a passenger in the vehicle;
- (d) anything in or on the vehicle or carried by the driver or a passenger.

(2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search-

- (a) the pedestrian;
- (b) anything carried by him.

(3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.

(4) An authorisation may be given-

- (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
- (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
- (c) where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
- (d) where the specified area or place is the whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.

(5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Exercise of power.

45. - (1) The power conferred by an authorisation under section 44(1) or (2)-

- (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
- (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.

(2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.

(3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

(4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

(5) Where-

(a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2),
and

(b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2),

the written statement shall be provided.

(6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

Duration of authorisation.

46. - (1) An authorisation under section 44 has effect, subject to subsections (2) to (7), during the period-

(a) beginning at the time when the authorisation is given, and

(b) ending with a date or at a time specified in the authorisation.

(2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given.

(3) The person who gives an authorisation shall inform the Secretary of State as soon as is reasonably practicable.

(4) If an authorisation is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it is given-

(a) it shall cease to have effect at the end of that period, but

(b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.

(5) Where the Secretary of State confirms an authorisation he may substitute an earlier date or time for the date or time specified under subsection (1)(b).

(6) The Secretary of State may cancel an authorisation with effect from a specified time.

(7) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) to (6) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

Offences.

47. - (1) A person commits an offence if he-

(a) fails to stop a vehicle when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(1);

(b) fails to stop when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(2);

(c) wilfully obstructs a constable in the exercise of the power conferred by an authorisation under section 44(1) or (2).

(2) 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.

Parking

Authorisations.

48. - (1) An authorisation under this section authorises any constable in uniform to prohibit or restrict the parking of vehicles on a road specified in the authorisation.

(2) An authorisation may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.

(3) An authorisation may be given-

(a) where the road specified is outside Northern Ireland and is wholly or partly within a police area other than one mentioned in paragraphs (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;

(b) where the road specified is wholly or partly in the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;

(c) where the road specified is wholly or partly in the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;

(d) where the road specified is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.

(4) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Exercise of power.

49. - (1) The power conferred by an authorisation under section 48 shall be exercised by placing a traffic sign on the road concerned.

(2) A constable exercising the power conferred by an authorisation under section 48 may suspend a parking place.

(3) Where a parking place is suspended under subsection (2), the suspension shall be treated as a restriction imposed by virtue of section 48-

(a) for the purposes of section 99 of the Road Traffic Regulation Act 1984 (removal of vehicles illegally parked, &c.) and of any regulations in force under that section, and

(b) for the purposes of Articles 47 and 48 of the Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

Duration of authorisation.

50. - (1) An authorisation under section 48 has effect, subject to subsections (2) and (3), during the period specified in the authorisation.

(2) The period specified shall not exceed 28 days.

(3) An authorisation may be renewed in writing by the person who gave it or by a

person who could have given it; and subsections (1) and (2) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

Offences.

51. - (1) A person commits an offence if he parks a vehicle in contravention of a prohibition or restriction imposed by virtue of section 48.

(2) A person commits an offence if-

(a) he is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of section 48, and

(b) he fails to move the vehicle when ordered to do so by a constable in uniform.

(3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for the act or omission in question.

(4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of subsection (3).

(5) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A person guilty of an offence under subsection (2) shall be liable on summary conviction to-

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

(b) a fine not exceeding level 4 on the standard scale, or

(c) both.

Interpretation.

52. In sections 48 to 51-

“disabled person's badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970 (in relation to England and Wales and Scotland) or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (in relation to Northern Ireland);

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

“parking” means leaving a vehicle or permitting it to remain at rest;

“traffic sign” has the meaning given in section 142(1) of the Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and in Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland);

“vehicle” has the same meaning as in section 99(5) of the Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and Article 47(4) of the Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

Port and border controls

Port and border controls.

53. - (1) Schedule 7 (port and border controls) shall have effect.

(2) The Secretary of State may by order repeal paragraph 16 of Schedule 7.

(3) The powers conferred by Schedule 7 shall be exercisable notwithstanding the rights conferred by section 1 of the Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).

PART VI MISCELLANEOUS

Terrorist offences

Weapons training.

54. - (1) A person commits an offence if he provides instruction or training in the making or use of-

- (a) firearms,
- (b) explosives, or
- (c) chemical, biological or nuclear weapons.

(2) A person commits an offence if he receives instruction or training in the making or use of-

- (a) firearms,
- (b) explosives, or

- (c) chemical, biological or nuclear weapons.
- (3) A person commits an offence if he invites another to receive instruction or training and the receipt-
- (a) would constitute an offence under subsection (2), or
 - (b) would constitute an offence under subsection (2) but for the fact that it is to take place outside the United Kingdom.
- (4) For the purpose of subsections (1) and (3)-
- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons, and
 - (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.
- (5) It is a defence for a person charged with an offence under this section in relation to instruction or training to prove that his action or involvement was wholly for a purpose other than assisting, preparing for or participating in terrorism.
- (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 ten 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 anything which the court considers to have been in the person's possession for purposes connected with the offence.
- (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 (7) 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).

Weapons training: interpretation.

55. In section 54-

“biological weapon” means anything to which section I(1)(b) of the Biological Weapons Act 1974 applies,

“chemical weapon” has the meaning given by section 1 of the Chemical Weapons Act 1996, and

“nuclear weapon” means a weapon which contains nuclear material within the meaning of Article I(a) and (b) of the Convention on the Physical Protection of Nuclear Material opened for signature at Vienna and New York on 3rd March 1980 (set out in the Schedule to the Nuclear Material (Offences) Act 1983).

Directing terrorist organisation.

56. - (1) A person commits an offence if he directs, at any level, the activities of an organisation which is concerned in the commission of acts of terrorism.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Possession for terrorist purposes.

57. - (1) A person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism.

(2) It is a defence for a person charged with an offence under this section to prove that his possession of the article was not for a purpose connected with the commission, preparation or instigation of an act of terrorism.

(3) In proceedings for an offence under this section, if it is proved that an 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 the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(4) 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.

Collection of information.

58. - (1) A person commits an offence if-

(a) he collects or makes a record of information 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) In this section "record" includes a photographic or electronic record.

(3) 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.

(4) 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.

(5) 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).

(6) Before making an order under subsection (5) 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.

(7) An order under subsection (5) 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).

Inciting terrorism overseas

England and Wales.

59. - (1) A person commits an offence if-

(a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and

(b) the act would, if committed in England and Wales, constitute one of the offences listed in subsection (2).

(2) Those offences are-

- (a) murder,
- (b) an offence under section 18 of the Offences against the Person Act 1861 (wounding with intent),
- (c) an offence under section 23 or 24 of that Act (poison),
- (d) an offence under section 28 or 29 of that Act (explosions), and
- (e) an offence under section 1(2) of the Criminal Damage Act 1971 (endangering life by damaging property).

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Northern Ireland.

60. - (1) A person commits an offence if-

- (a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and
- (b) the act would, if committed in Northern Ireland, constitute one of the offences listed in subsection (2).

(2) Those offences are-

- (a) murder,
- (b) an offence under section 18 of the Offences against the Person Act 1861 (wounding with intent),
- (c) an offence under section 23 or 24 of that Act (poison),
- (d) an offence under section 28 or 29 of that Act (explosions), and

(e) an offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 (endangering life by damaging property).

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Scotland.

61. - (1) A person commits an offence if-

(a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and

(b) the act would, if committed in Scotland, constitute one of the offences listed in subsection (2).

(2) Those offences are-

(a) murder,

(b) assault to severe injury, and

(c) reckless conduct which causes actual injury.

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Terrorist bombing and finance offences

Terrorist bombing: jurisdiction.

62. - (1) If-

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and

(b) his action would have constituted the commission of one of the offences listed in subsection (2) if it had been done in the United Kingdom,

he shall be guilty of the offence.

(2) The offences referred to in subsection (1)(b) are-

(a) an offence under section 2, 3 or 5 of the Explosive Substances Act 1883 (causing explosions, &c.),

(b) an offence under section 1 of the Biological Weapons Act 1974 (biological weapons), and

(c) an offence under section 2 of the Chemical Weapons Act 1996 (chemical weapons).

Terrorist finance: jurisdiction.

63. - (1) If-

(a) a person does anything outside the United Kingdom, and

(b) his action would have constituted the commission of an offence under any of sections 15 to 18 if it had been done in the United Kingdom,

he shall be guilty of the offence.

(2) For the purposes of subsection (1)(b), section 18(1)(b) shall be read as if for "the jurisdiction" there were substituted "a jurisdiction".

Extradition.

64. - (1) The Extradition Act 1989 shall be amended as follows.

(2) In section 22(2) (international conventions) after paragraph (l) insert-

“(m) the Convention for the Suppression of Terrorist Bombings, which was opened for signature at New York on 12th January 1998 (“the Terrorist Bombings Convention”);

(n) the Convention for the Suppression of the Financing of Terrorism which was opened for signature at New York on 10th January 2000 (“the Terrorist Finance Convention”).”

(3) In section 22(4) (relevant offences) after paragraph (l) insert-

“(in) in relation to the Terrorist Bombings Convention, an offence, committed as an act of terrorism or for the purposes of terrorism, under-

- (i) section 2, 3 or 5 of the Explosive Substances Act 1883 (causing explosions, &c.),
- (ii) section 1 of the Biological Weapons Act 1974 (biological weapons), or
- (iii) section 2 of the Chemical Weapons Act 1996 (chemical weapons);

(n) in relation to the Terrorist Finance Convention, an offence under any of sections 15 to 18 of the Terrorism Act 2000 (terrorist property: offences).”

(4) After section 24(4) (suppression of terrorism) insert-

“(5) Subsections (1) and (2) above shall have effect in relation to an offence to which section 22(4)(m) or (n) above applies as they have effect in relation to an offence to which section 1 of the Suppression of Terrorism Act 1978 applies.

(6) For that purpose subsection (2) applies to a country which is a party to-

- (a) the Convention for the Suppression of Terrorist Bombings mentioned in section 22(2)(m) above, or
- (b) the Convention for the Suppression of the Financing of Terrorism mentioned in section 22(2)(n) above.”

(5) The offences to which an Order in Council under section 2 of the Extradition Act 1870 (arrangements with foreign states) can apply shall include-

- (a) offences under the provisions mentioned in sections 62(2) and 63(1)(b),

- (b) conspiracy to commit any of those offences, and
- (c) attempt to commit any of those offences.

PART VII
NORTHERN IRELAND

Scheduled offences

Scheduled offence: interpretation.

65. - (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.

(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.

Preliminary inquiry.

66. - (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 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 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.

Limitation of power to grant bail.

67.- (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.

(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,
- (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.

Bail: legal aid.

68. - (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 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.

Maximum period of remand in custody.

69. - (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) and (3) of the Magistrates' Courts (Northern Ireland) Order 1981, and

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

Young persons: custody on remand, &c.

70. - (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.
- (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 seventeen.

Directions under section 70.

71. - (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.

Time limits for preliminary proceedings.

72. - (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.

Time limits: supplementary.

73. - (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 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 Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' court committing accused for trial), or
- (b) section 51(8) of the 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 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 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.

Court for trial.

74. - (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 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.

Mode of trial on indictment.

75. - (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).

(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 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 Criminal Appeal (Northern Ireland) Act 1980, appeal to the Court of Appeal under Part 1 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.

Admission in trial on indictment.

76. - (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).

(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.

Possession: onus of proof.

77. - (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 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 Protection of the Person and Property Act (Northern Ireland) 1969

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

The Firearms (Northern Ireland) Order 1981

Article 6(1) (manufacturing, dealing in or possessing certain weapons, &c.).

Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 18(2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 22(1), (2) or (4) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, &c.).

Article 23 (possessing firearm or ammunition in suspicious circumstances).

Children: sentence.

78. - (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 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 17.

Restricted remission.

79. - (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 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 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 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 Northern Ireland (Emergency Provisions) Act 1978) was committed while section 22 of the Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Conviction during remission.

80. - (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 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 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 Prison Act (Northern Ireland) 1953 and for the purposes of the 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 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 center” has the meaning assigned to it by section 2(a) of the 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

(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 Army Act 1955, the Air Force Act 1955 and the 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 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 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 Northern Ireland (Emergency Provisions) Act 1978) was committed

while section 23 of the Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Powers of arrest, search, &c.

Arrest of suspected terrorists: power of entry.

81. 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.

Arrest and seizure: constables.

82. - (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.

(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.

Arrest and seizure: armed forces.

83. - (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 Human Rights Act 1998.

Munitions and transmitters.

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

Explosives inspectors.

85. - (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 Explosives Act 1875.

Unlawfully detained persons.

86. - (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.

Examination of documents.

87. - (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 Police and Criminal Evidence (Northern Ireland) Order 1989).

(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.

Examination of documents: procedure.

88. - (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.

(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.

Power to stop and question.

89. - (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.

Power of entry.

90. - (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.

Taking possession of land, &c.

91. 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;
- (e) to take any other action which interferes with a public right or with a private right of property.

Road closure: permission.

92. - (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.

Sections 91 and 92: supplementary.

93. - (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.

Road closure: direction.

94. - (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).

Sections 81 to 94: supplementary.

95. - (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.

(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

Preservation of the peace: regulations.

96. - (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.

Port and border controls.

97. - (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.

(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.

Independent Assessor of Military Complaints Procedures.

98. - (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.

(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.

Police and army powers: code of practice.

99. - (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.

Video recording: code of practice.

100. - (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.

Codes of practice: supplementary.

101. - (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.

(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 Army Act 1955 or the Air Force Act 1955 other than section 70 (civil offences), and

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

(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 Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the 1957 Act 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.

Compensation.

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

Terrorist information.

103. - (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) a full-time employee of 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).

Police powers: records.

104. 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.

Powers.

105. 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.

Private security services.

106. Schedule 13 (private security services) shall have effect.

Specified organisations

Specified organisations: interpretation.

107. 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 Northern Ireland (Sentences) Act 1998, and
- (b) it is, or forms part of, an organisation which is proscribed for the purposes of this Act.

Evidence.

108. - (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 Police Act 1996 or the Police (Scotland) Act 1967, or
- (b) the Royal Ulster Constabulary.

Inferences.

109. - (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.

Sections 108 and 109: supplementary.

110. - (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).

Forfeiture orders.

111. - (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.

Duration of Part VII

Expiry and revival.

112. - (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.

Transitional provisions.

113. - (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.

PART VIII

GENERAL

Police powers.

114. - (1) A power conferred by virtue of this Act on a constable-

(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.

(2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Act (apart from paragraphs 2 and 3 of Schedule 7).

(3) Where anything is seized by a constable under a power conferred by virtue of this Act, it may (unless the contrary intention appears) be retained for so long as is necessary in all the circumstances.

Officers' powers.

115. Schedule 14 (which makes provision about the exercise of functions by authorised officers for the purposes of sections 25 to 31 and examining officers for the purposes of Schedule 7) shall have effect.

Powers to stop and search.

116. - (1) A power to search premises conferred by virtue of this Act shall be taken to include power to search a container.

(2) A power conferred by virtue of this Act to stop a person includes power to stop a vehicle (other than an aircraft which is airborne).

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

(4) A person guilty of an offence under subsection (3) 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.

Consent to prosecution.

117. - (1) This section applies to an offence under any provision of this Act other than an offence under-

- (a) section 36,
- (b) section 51,
- (c) paragraph 18 of Schedule 7,
- (d) paragraph 12 of Schedule 12, or
- (e) Schedule 13.

(2) Proceedings for an offence to which this section applies-

- (a) shall not be instituted in England and Wales without the consent of the Director of Public Prosecutions, and
- (b) shall not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

(3) Where it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies is committed for a purpose connected with the affairs of a country other than the United Kingdom-

- (a) subsection (2) shall not apply, and
- (b) proceedings for the offence shall not be instituted without the consent of the Attorney General or the Attorney General for Northern Ireland.

Defences.

118. - (1) Subsection (2) applies where in accordance with a provision mentioned in subsection (5) it is a defence for a person charged with an offence to prove a particular matter.

(2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(3) Subsection (4) applies where in accordance with a provision mentioned in subsection (5) a court-

(a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved, or

(b) may accept a fact as sufficient evidence unless a particular matter is proved.

(4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in subsection (3)(a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.

(5) The provisions in respect of which subsections (2) and (4) apply are-

(a) sections 12(4), 39(5)(a), 54, 57, 58, 77 and 103 of this Act, and

(b) sections 13, 32 and 33 of the Northern Ireland (Emergency Provisions) Act 1996 (possession and information offences) as they have effect by virtue of Schedule 1 to this Act.

Crown servants, regulators, &c.

119. - (1) The Secretary of State may make regulations providing for any of sections 15 to 23 and 39 to apply to persons in the public service of the Crown.

(2) The Secretary of State may make regulations providing for section 19 not to apply to persons who are in his opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.

(3) Regulations-

(a) may make different provision for different purposes,

(b) may make provision which is to apply only in specified circumstances, and

(c) may make provision which applies only to particular persons or to persons of a particular description.

Evidence.

120. - (1) A document which purports to be-

(a) a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act, and

(b) signed by him or on his behalf,

shall be received in evidence and shall, until the contrary is proved, be deemed to have been given or made by the Secretary of State.

(2) A document bearing a certificate which-

(a) purports to be signed by or on behalf of the Secretary of State, and

(b) states that the document is a true copy of a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act,

shall be evidence (or, in Scotland, sufficient evidence) of the document in legal proceedings.

(3) In subsections (1) and (2) a reference to an order does not include a reference to an order made by statutory instrument.

(4) The Documentary Evidence Act 1868 shall apply to an authorisation given in writing by the Secretary of State for the purposes of this Act as it applies to an order made by him.

Interpretation.

121. In this Act-

“act” and “action” include omission,

“article” includes substance and any other thing,

“customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979,

“dwelling” means a building or part of a building used as a dwelling, and a vehicle which is habitually stationary and which is used as a dwelling,

“explosive” means-

(a) an article or substance manufactured for the purpose of producing a practical effect by explosion,

(b) materials for making an article or substance within paragraph (a),

(c) anything used or intended to be used for causing or assisting in causing an explosion, and

(d) a part of anything within paragraph (a) or (c),

“firearm” includes an air gun or air pistol,

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971,

“the Islands” means the Channel Islands and the Isle of Man,

“organization” includes any association or combination of persons,

“premises” includes any place and in particular includes-

- (a) a vehicle,
- (b) an offshore installation within the meaning given in section 44 of the Petroleum Act 1998, and
- (c) a tent or moveable structure,

“property” includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

“public place” means a place to which members of the public have or are permitted to have access, whether or not for payment,

“road” has the same meaning as in the Road Traffic Act 1988 (in relation to England and Wales), the Roads (Scotland) Act 1984 (in relation to Scotland) and the Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland), and includes part of a road, and

“vehicle”, except in sections 48 to 52 and Schedule 7, includes an aircraft, hovercraft, train or vessel.

Index of defined expressions.

122. In this Act the expressions listed below are defined by the provisions specified.

<i>Expression</i>	<i>Interpretation provision</i>
Act	Section 121
Action	Section 121
Action taken for the purposes of terrorism	Section 1(5)
Article	Section 121
Authorised officer	Section 24(1)
Cash	Section 24(2)
Cordoned area	Section 33

<i>Expression</i>	<i>Interpretation provision</i>
Customs officer	Section 121
Dwelling	Section 121
Examining officer	Schedule 7, paragraph 1
Firearm	Section 121
Immigration officer	Section 121
The Islands	Section 121
Organisation	Section 121
Premises	Section 121
Property	Section 121
Proscribed organization	Section 3(1)
Public place	Section 121
Road	Section 121
Scheduled offence (in Part VII)	Section 65
Terrorism	Section 1
Terrorist (in Part V)	Section 40
Terrorist investigation	Section 32
Terrorist property	Section 14
Vehicle	Section 121
Vehicle (in sections 48 to 51)	Section 52

Orders and regulations.

123. - (1) An order or regulations made by the Secretary of State under this Act-

- (a) shall be made by statutory instrument,
- (b) may contain savings and transitional provisions, and
- (c) may make different provision for different purposes.

(2) Subject to subsection (3), an order or regulations under any of the following provisions shall be subject to annulment in pursuance of a resolution of either House of Parliament-

- (a) section 4(3);
- (b) section 24(2)(e);
- (c) section 72;
- (d) section 79(5);
- (e) section 80(9);
- (f) section 97(1) or (3);

- (g) section 100(1)(b);
- (h) section 119(1) or (2);
- (i) paragraph 52(1)(a) or (b) of Schedule 4;
- (j) paragraph 17(4) of Schedule 7;
- (k) paragraph 3(1)(b) of Schedule 8;
- (l) paragraph 19 of Schedule 8.

(3) In the cases of-

- (a) the first order to be made under paragraph 17(4) of Schedule 7, and
- (b) the first order to be made under paragraph 19 of Schedule 8,

the order shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (and subsection (2)(j) or (l) shall not apply).

(4) An order or regulations under any of the following provisions shall not be made, subject to subsection (5), unless a draft has been laid before and approved by resolution of each House of Parliament-

- (a) section 3(3);
- (b) section 53(2);
- (c) section 65(3);
- (d) section 96;
- (e) section 101(4);
- (f) section 112(2);
- (g) paragraph 2(2) of Schedule 1;
- (h) paragraph 6(2) or 7(3) of Schedule 6;
- (i) paragraph 16 of Schedule 7;
- (j) paragraph 3(2) of Schedule 8;
- (k) paragraph 4(4) of Schedule 8;

(l) paragraph 4(1)(e) of Schedule 14;

(m) paragraph 7(3) of Schedule 14.

(5) An order or regulations under a provision mentioned in subsection (4), except for paragraph (b), may be made without a draft having been approved if the Secretary of State is of the opinion that it is necessary by reason of urgency; and the order-

(a) shall contain a declaration of the Secretary of State's opinion, and

(b) shall cease to have effect at the end of the period of 40 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House during that period.

(6) For the purposes of subsection (5)-

(a) a code of practice or revised code to which an order relates shall cease to have effect together with the order,

(b) an order's ceasing to have effect shall be without prejudice to anything previously done or to the making of a new order (or the issue of a new code), and

(c) the period of 40 days shall be computed in accordance with section 7(1) of the Statutory Instruments Act 1946.

(7) An order under paragraph 8(3) of Schedule 13 shall be laid before Parliament.

(8) Subsection (1)(a) does not apply to an order made-

(a) under section 94,

(b) by virtue of paragraph 36 of Schedule 4, or

(c) under or by virtue of any of paragraphs 19 to 21 of Schedule 5.

(9) Subsections (1)(a) and (4)(d) do not apply to an order made under regulations made under section 96.

Directions.

124. A direction given under this Act may be varied or revoked by a further direction.

Amendments and repeals.

125. - (1) Schedule 15 (consequential amendments) shall have effect.

(2) The enactments listed in Schedule 16 are hereby repealed or revoked to the extent specified.

Report to Parliament.

126. The Secretary of State shall lay before both Houses of Parliament at least once in every 12 months a report on the working of this Act.

Money.

127. The following shall be paid out of money provided by Parliament-

- (a) any expenditure of a Minister of the Crown under or by virtue of this Act, and
- (b) any increase in the sums payable out of money provided by Parliament under any other enactment.

Commencement.

128. The preceding provisions of this Act, apart from sections 2(1)(b) and (2) and 118 and Schedule 1, shall come into force in accordance with provision made by the Secretary of State by order.

Transitional provisions.

129. - (1) Where, immediately before the coming into force of section 2(1)(a), a person is being detained by virtue of a provision of the Prevention of Terrorism (Temporary Provisions) Act 1989-

- (a) the provisions of that Act shall continue to apply to him, in place of the corresponding provisions of this Act, until his detention comes to an end, and
- (b) nothing in paragraph 5 or 8 of Schedule 15 shall have effect in relation to him during his detention.

(2) Where-

- (a) a person is detained by virtue of a provision of the Northern Ireland (Emergency Provisions) Act 1996 (as continued in force by virtue of Schedule 1 to this Act), and
- (b) the provision ceases to have effect,

he shall be treated as lawfully detained under any corresponding provision of this Act.

(3) Where this Act repeals and re-enacts a provision of-

- (a) the Prevention of Terrorism (Temporary Provisions) Act 1989, or
- (b) the Northern Ireland (Emergency Provisions) Act 1996,

the repeal and re-enactment shall not, unless the contrary intention appears, affect the continuity of the law.

(4) A reference in this Act or any other enactment or instrument to a provision of this Act shall (so far as the context permits) be taken to include a reference to a corresponding provision repealed by this Act.

(5) The repeal by virtue of this Act of section 14 of the Northern Ireland (Emergency Provisions) Act 1996 (young persons convicted of scheduled offences) shall not affect its operation in relation to offences committed while it was in force.

(6) Any document made, served or issued after the commencement of paragraph (a) or (b) of section 2(1) which contains a reference to an enactment repealed by that paragraph shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of this Act.

(7) Any document made, served or issued after the commencement of this Act which contains a reference to a provision of this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of-

- (a) the Prevention of Terrorism (Temporary Provisions) Act 1989, or
- (b) the Northern Ireland (Emergency Provisions) Act 1996.

(8) Section 117 shall apply to the institution of proceedings after commencement of that section whether the offence to which the proceedings relate (which may, by virtue of subsection (4) above, be an offence under a provision repealed by this Act) is alleged to have been committed before or after commencement of that section.

Extent.

130. - (1) Subject to subsections (2) to (6), this Act extends to the whole of the United Kingdom.

- (2) Section 59 shall extend to England and Wales only.
- (3) The following shall extend to Northern Ireland only-
 - (a) section 60, and
 - (b) Part VII.
- (4) Section 61 shall extend to Scotland only.
- (5) In Schedule 5-
 - (a) Part I shall extend to England and Wales and Northern Ireland only, and
 - (b) Part II shall extend to Scotland only.
- (6) The amendments and repeals in Schedules 15 and 16 shall have the same extent as the enactments to which they relate.

Short title.

131. This Act may be cited as the Terrorism Act 2000.

XLIV. UZBEKISTAN⁹⁷

CRIMINAL CODE OF 22 SEPTEMBER 1994

Article 155. Terrorism

Actions designed to coerce the State, an international organization, an individual or a legal entity to carry out or refrain from carrying out any action, accompanied by the threat of murder, the use of force, the seizure or holding of property or a person as a hostage, an attack directed against the official premises of a mission of a foreign State or of international organizations enjoying international protection, or against housing facilities belonging to them or leased by them, for the purpose of disturbing international relations, causing war or destabilizing the situation in the Republic of Uzbekistan —

Shall be punished by imprisonment for a term of eight to ten years with confiscation of property.

⁹⁷ Transmitted to the Secretariat by that Government on 11 May 2000.