



Prevention of Terrorism (Temporary Provisions) Act 1974

1974 CHAPTER 56

PART I

PROSCRIBED ORGANISATIONS

1 Proscribed organisations

- (1) Subject to subsection (6) below, if any person—
- (a) belongs or professes to belong to a proscribed organisation ;
 - (b) solicits or invites financial or other support for a proscribed organisation, or knowingly makes or receives any contribution in money or otherwise to the resources of a proscribed organisation; or
 - (c) arranges or assists in the arrangement or management of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting is to support, or to further the activities of, a proscribed organisation, or is to be addressed by a person belonging or professing to belong to a proscribed organisation,
- he shall be liable—
- (i) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both, and
 - (ii) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or both.
- (2) Any organisation for the time being specified in Schedule 1 to this Act is a proscribed organisation for the purposes of this Act; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.
- (3) The Secretary of State may by order add to Schedule 1 to this Act any organisation that appears to him to be concerned in terrorism occurring in the United Kingdom and connected with Northern Irish affairs, or in promoting or encouraging it.

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- (4) The Secretary of State may also by order remove an organisation from Schedule 1 to this Act.
- (5) In this section " organisation " includes an association or combination of persons.
- (6) A person belonging to a proscribed organisation shall not be guilty of an offence under this section by reason of belonging to the organisation if he shows that he became a member when it was not a proscribed organisation and that he has not since then taken part in any of its activities at any time while it was a proscribed organisation.

In this subsection the reference to a person becoming a member of an organisation shall be taken to be a reference to the only or last occasion on which he became a member.
- (7) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any money or other property which, at the time of the offence, he had in his possession or under his control for the use or benefit of the proscribed organisation.

2 Display of support in public for a proscribed organisation

- (1) Any person who in a public place—
 - (a) wears any item of dress, or
 - (b) wears, carries or displays any article,in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation, shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £200, or both.
- (2) A constable may arrest without warrant a person whom he reasonably suspects to be a person guilty of an offence under this section.
- (3) In this section " public place" includes any highway and any other premises or place to which at the material time the public have, or are permitted to have, access whether on payment or otherwise.

PART II

EXCLUSION ORDERS

3 Orders to prevent terrorism

- (1) The Secretary of State may exercise the powers conferred on him by this Part of this Act in such way as appears to him expedient to prevent acts of terrorism (whether in Great Britain or elsewhere) designed to influence public opinion or Government policy with respect to affairs in Northern Ireland.
- (2) In deciding whether to exercise his powers under this section in relation to a person who is ordinarily resident in Great Britain, the Secretary of State shall have regard to the question whether that person's connection with any territory outside Great Britain is such as to make it appropriate that an order should be made against him under this section.

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- (3) If the Secretary of State is satisfied that—
- (a) any person (whether in Great Britain or elsewhere) is concerned in the commission, preparation or instigation of acts of terrorism, or
 - (b) any person is attempting or may attempt to enter Great Britain with a view to being concerned in the commission, preparation or instigation of acts of terrorism,
- the Secretary of State may make an order against that person prohibiting him from being in, or entering, Great Britain.
- (4) An order shall not be made under this section against a person who is a citizen of the United Kingdom and Colonies and who—
- (a) is at the time ordinarily resident in Great Britain, and has then been ordinarily resident in Great Britain throughout the last 20 years, or
 - (b) was born in Great Britain and has, throughout his life, been ordinarily resident in Great Britain.

Paragraph (a) shall be construed in accordance with Schedule 2 to this Act.

- (5) When any question arises under this Act whether or not a person is exempted by subsection (4) above, it shall lie on the person asserting it to prove that he is.
- (6) An order made under the preceding provisions of this section is referred to in this Act as an " exclusion order ".
- (7) An exclusion order may be revoked at any time by a further order made by the Secretary of State.
- (8) If—
- (a) a person subject to an exclusion order fails to comply with the order at a time after he has been served with notice of the making of the order, or
 - (b) a person is knowingly concerned in arrangements for securing or facilitating the entry into Great Britain of a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order, or
 - (c) a person knowingly harbours a person whom he knows, or has reasonable cause to believe, to be a person subject to an exclusion order,
- he shall be liable—
- (i) on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £400, or both, and
 - (ii) on conviction on indictment to imprisonment for a term not exceeding five years, or to a fine, or both.

4 Right to make representations to Secretary of State

- (1) As soon as may be after the making of an exclusion order, notice of the making of the order shall be served on the person against whom it is made, and the notice shall—
- (a) set out the rights of representation afforded to him by this section, and
 - (b) specify the manner in which those representations are to be made.
- (2) Subsection (1) above shall not impose an obligation to take any steps to serve a notice on a person at a time when he is outside Great Britain.

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- (3) If the person served with notice objects to the order, he may within 48 hours of service of the notice make representations in writing to the Secretary of State setting out the grounds of his objection.
- (4) Where representations are duly made under this section, the Secretary of State shall, unless he considers the grounds to be frivolous, refer the matter for the advice of one or more persons nominated by him.
- (5) After receiving the objection and the report of the person or persons so nominated, the Secretary of State shall, as soon as may be, reconsider the case.
- (6) Where representations are duly made under this section the Secretary of State shall, if it is reasonably practicable, notify the person against whom the order was made of any decision he takes as to whether or not to revoke the order.

5 Powers of removal

Where any person is subject to an exclusion order and notice of the order has been served on him, the Secretary of State may have that person removed from Great Britain if—

- (a) he consents, or
- (b) no representations have been duly made by him under section 4 above, or
- (c) where such representations have been duly made by him, he has been notified of the Secretary of State's decision not to revoke the order.

6 Exclusion orders against persons who are not citizens of the United Kingdom and Colonies

- (1) Where an exclusion order is made against a person who is not a citizen of the United Kingdom and Colonies it shall be an order prohibiting that person from being in, or entering, the United Kingdom.
- (2) In relation to a person who is not a citizen of the United Kingdom and Colonies—
 - (a) the last reference to Great Britain in section 3(2) and (3) above, and the reference to Great Britain in section 5 above, shall be construed as references to the United Kingdom, and
 - (b) the reference in section 3(8)(b) above to Great Britain shall be construed as including a reference to Northern Ireland,
 but this subsection has effect subject to any order under the following provisions of this section.
- (3) The Secretary of State may by order provide that, in relation to a person who is not a citizen of the United Kingdom and Colonies, the provisions of sections 3, 4 and 5 of this Act shall have effect subject to such exceptions, adaptations or modifications as may be specified in the order.
- (4) An order under this section—
 - (a) may make different provision for different cases, and in particular provision distinguishing between presence or residence in Great Britain and presence or residence in Northern Ireland,
 - (b) may exclude all or any of the provisions of subsection(2) above in all or any cases,

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- (c) may include such supplemental or incidental provisions as appear to the Secretary of State expedient.

PART III

GENERAL AND MISCELLANEOUS

7 Powers of arrest and detention

- (1) A constable may arrest without warrant a person whom he reasonably suspects to be—
 - (a) a person guilty of an offence under section 1 or 3 of this Act;
 - (b) a person concerned in the commission, preparation or instigation of acts of terrorism ;
 - (c) a person subject to an exclusion order.

- (2) A person arrested under this section shall not be detained in right of the arrest for more than 48 hours after his arrest:

Provided that the Secretary of State may, in any particular case, extend the period of 48 hours by a further period not exceeding 5 days.

- (3) The following provisions (requirement to bring arrested person before a court after his arrest) shall not apply to a person detained in right of the arrest.

The said provisions are—

Section 38 of the Magistrates' Courts Act 1952,
Section 29 of the Children and Young Persons Act 1969,
Section 20(3) of the Summary Jurisdiction (Scotland) Act 1954,
Section 132 of the Magistrates' Courts Act (Northern Ireland) 1964, and
Section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968.

- (4) In Scotland section 10(1) of the Summary Jurisdiction (Scotland) Act 1954 (chief constable may in certain cases accept bail) shall not apply to a person detained in right of an arrest under this section.
- (5) The provisions of this section are without prejudice to the power of arrest under section 2 of the Criminal Law Act 1967, section 2 of the Criminal Law Act (Northern Ireland) 1967 and section 10 of the Northern Ireland (Emergency Provisions) Act 1973.

8 Control of entry and procedure for removal

- (1) The Secretary of State may by order provide for—
 - (a) the examination of persons arriving in, or leaving, Great Britain or Northern Ireland, with a view to determining—
 - (i) whether any such person appears to be a person concerned in the commission, preparation or instigation of acts of terrorism, or
 - (ii) whether any such person is subject to an exclusion order, or
 - (iii) whether there are grounds for suspecting that any such person has committed an offence under section 3(8) of this Act,

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- (b) the arrest and detention of persons subject to exclusion orders, pending their removal pursuant to section 5 above, and
 - (c) arrangements for the removal of persons pursuant to section 5 above.
- (2) An order under this section may confer powers on examining officers (appointed in accordance with paragraph 1 (2) of Schedule 3 to this Act), including—
- (a) the power of arresting and detaining any person pending—
 - (i) his examination,
 - (ii) the taking of a decision by the Secretary of State as to whether or not to make an exclusion order against him, or
 - (iii) his removal pursuant to section 5 above,
 - (b) the power of searching persons, of boarding ships or aircraft, of searching in ships or aircraft, or elsewhere and of detaining articles—
 - (i) for use in connection with the taking of a decision by the Secretary of State as to whether or not to make an exclusion order ; or
 - (ii) for use as evidence in criminal proceedings.

9 Supplemental provisions

- (1) In this Act, unless the context otherwise requires—
- " aircraft " includes hovercraft,
 - " captain " means master (of a ship) or commander (of an aircraft),
 - " exclusion order " has the meaning given by section 3(6) of this Act,
 - " port " includes airport and hoverport,
 - " ship " includes every description of vessel used in navigation,
 - " terrorism " means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.
- (2) The powers conferred by Part II and section 8 of this Act 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).
- (3) Any reference in a provision of this Act to a person's being concerned in the commission, preparation or instigation of acts of terrorism shall be taken to include a reference to his being so concerned at any time before the coming into force of that provision.
- (4) The provisions of Schedule 3 to this Act shall have effect for supplementing sections 1 to 8 of this Act.
- (5) Any power to make an order conferred by section 1, 6, 8 or 12 of this Act shall be exercisable by statutory instrument and shall include power to vary or revoke any order so made.
- (6) An order made under section 6 or 8 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No order under section 1 or 12 of this Act shall be made unless—
- (a) a draft of the order has been approved by resolution of each House of Parliament, or

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- (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.
- (8) Every order under section 1 or 12 of this Act (except such an order of which a draft has been so approved)—
- (a) shall be laid before Parliament, and
 - (b) shall cease to have effect at the expiration of a period of 40 days beginning with the date on which it was made unless, before the expiration of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order. In reckoning for the purposes of this subsection any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

10 Financial provisions

Any expenses incurred by the Secretary of State under, or by virtue of, this Act shall be paid out of money provided by Parliament.

11 Power to extend to Channel Islands and Isle of Man

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands and the Isle of Man.
- (2) An Order in Council under this section may be varied or revoked by a further Order in Council.

12 Duration, expiry and revival of Act

- (1) Sections 1 to 8 of this Act shall remain in force until the expiry of the period of six months beginning with the passing of this Act and shall then expire unless continued in force by an order under this section.
- (2) The Secretary of State may by order provide—
 - (a) that all or any of the provisions of those sections which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding six months from the coming into operation of the order ;
 - (b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or
 - (c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.
- (3) On the expiration of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if that provision of this Act was then repealed by another Act.

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13 Short title and extent

- (1) This Act may be cited as the Prevention of Terrorism (Temporary Provisions) Act 1974.
- (2) Part I of this Act shall not extend to Northern Ireland.