



Terrorism Act 2000

2000 CHAPTER 11

PART IV

TERRORIST INVESTIGATIONS

Interpretation

32 Terrorist investigation

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

33 Cordoned areas

- (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.

34 Power to designate

- (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.

35 Duration

- (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.

36 Police powers

- (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

37 Powers

Schedule 5 (power to obtain information, &c.) shall have effect.

38 Financial information

Schedule 6 (financial information) shall have effect.

39 Disclosure of information, &c

- (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—

Status: This is the original version (as it was originally enacted).

- (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.