

SCHEDULES

SCHEDULE 15

Section 125.

CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1967 (c. 80)

- 1 (1) The Criminal Justice Act 1967 shall be amended as follows.
- (2) In section 67(7)(b) (computation of sentences) for “section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 41 of the Terrorism Act 2000”.

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 2 (1) The Treatment of Offenders Act (Northern Ireland) 1968 shall be amended as follows.
- (2) In section 26(6)(b) (definition of police detention) for “section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 41 of the Terrorism Act 2000”.

Suppression of Terrorism Act 1978 (c. 26)

- 3 (1) The Suppression of Terrorism Act 1978 shall be amended as follows.
- (2) For paragraph 19A of Schedule 1 (list of offences) substitute—

“Financing terrorism

19A An offence under any of sections 15 to 18 of the Terrorism Act 2000.”

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I.8))

- 4 (1) In Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Part II of that Order) at the end of Part I insert—
- “8 Proceedings brought by an individual before the Proscribed Organisations Appeal Commission.”
- (2) The amendment made by sub-paragraph (1) is without prejudice to the power to make regulations under Article 10(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 amending or revoking the provision inserted by that sub-paragraph.

Police and Criminal Evidence Act 1984 (c. 60)

- 5 (1) The Police and Criminal Evidence Act 1984 shall be amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) For section 30(12)(c) (arrest elsewhere than at a police station) substitute—
 - “(c) any provision of the Terrorism Act 2000.”
- (3) In section 32(10) (search upon arrest) for “section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 43 of the Terrorism Act 2000”.
- (4) For section 51(b) (savings: Part IV) substitute—
 - “(b) the powers conferred by virtue of section 41 of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention);”.
- (5) For section 56(10) and (11) (application of right to have someone informed) substitute—
 - “(10) Nothing in this section applies to a person arrested or detained under the terrorism provisions.”
- (6) For section 58(12) to (18) (application of right of access to legal advice) substitute—
 - “(12) Nothing in this section applies to a person arrested or detained under the terrorism provisions.”
- (7) For section 61(9)(b) (fingerprinting: disapplication) substitute—
 - “(b) applies to a person arrested or detained under the terrorism provisions.”
- (8) For section 62(12) (intimate samples: disapplication) substitute—
 - “(12) Nothing in this section applies to a person arrested or detained under the terrorism provisions; and subsection (1A) shall not apply where the non-intimate samples mentioned in that subsection were taken under paragraph 10 of Schedule 8 to the Terrorism Act 2000.”
- (9) For section 63(10) (non-intimate samples: disapplication) substitute—
 - “(10) Nothing in this section applies to a person arrested or detained under the terrorism provisions.”
- (10) In section 65 (interpretation) for the definitions of “the terrorism provisions” and “terrorism” substitute—
 - ““the terrorism provisions” means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention; and
 - “terrorism” has the meaning given in section 1 of that Act.”
- (11) In section 116 (definition of serious arrestable offence for the purposes of sections 56 and 58)—
 - (a) in subsection (3) for “subsections (4) and (5)” substitute “subsection (4)”, and
 - (b) subsection (5) shall cease to have effect.
- (12) For section 118(2)(a) (definition of police detention) substitute—

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

- “(a) he has been taken to a police station after being arrested for an offence or after being arrested under section 41 of the Terrorism Act 2000, or.”

Criminal Justice Act 1988 (c. 33)

- 6 (1) The Criminal Justice Act 1988 shall be amended as follows.
- (2) In section 71(9)(c)(ii) (offences to which Part VI (confiscation) does not apply) for “or an offence under Part III of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “or an offence under any of sections 15 to 18 of the Terrorism Act 2000”.
- (3) For section 74(2)(d) and (e) (realisable property) substitute—
- “(d) an order under section 23 of the Terrorism Act 2000 (forfeiture orders), or
- (e) an order under section 111 of the Terrorism Act 2000 (forfeiture orders).”.
- (4) In section 93E (application to Scotland of sections 93A to 93D)—
- (a) in the definition of offences to which Part VI of the Act applies, for “Part III of the Prevention of Terrorism Act 1989” substitute “any of sections 15 to 18 of the Terrorism Act 2000”, and
- (b) in the definition of proceeds of criminal conduct, for paragraph (b) substitute—
- “(b) terrorist property within the meaning of section 14 of the Terrorism Act 2000”.

Elected Authorities (Northern Ireland) Act 1989 (c. 3)

- 7 (1) The Elected Authorities (Northern Ireland) Act 1989 shall be amended as follows.
- (2) In section 6(5) (breach of terms of declaration), in the definition of “proscribed organisation” for “section 30 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 3 of the Terrorism Act 2000”.
- (3) In Schedule 2 (declaration against terrorism) for “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1996” substitute “Schedule 2 to the Terrorism Act 2000”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 8 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) In Article 2(2) (interpretation) for the definitions of “the terrorism provisions” and “terrorism” substitute—
- ““the terrorism provisions” means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention;
- “terrorism” has the meaning given in section 1 of that Act.”

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

- (3) In Article 2(3) (definition of police detention) for “section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 or under paragraph 6 of Schedule 5 to that Act by an examining officer who is a constable” substitute “section 41 of the Terrorism Act 2000”.
- (4) For Article 4(3)(b) (provisions relating to powers to stop and search) substitute—
 - “(b) sections 85, 95 and 116 of and Schedule 10 to the Terrorism Act 2000, and”.
- (5) In Article 11(3) (special provisions as to access) for “section 17 of, and Schedule 7 to, the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “sections 37 and 38 of, and Schedules 5 and 6 to, the Terrorism Act 2000”.
- (6) In Article 30(3) (information to be given on arrest) for “section 19(2) of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 83(2) of the Terrorism Act 2000”.
- (7) For Article 32(15)(b) (arrest elsewhere than at a police station) substitute—
 - “(b) any provision of the Terrorism Act 2000.”
- (8) In Article 34(10) (search upon arrest) for “section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 43 of the Terrorism Act 2000”.
- (9) For Article 51(b) (savings: Part V) substitute—
 - “(b) the powers conferred by virtue of section 41 of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention);”.
- (10) In Article 60 (tape-recording of interviews), omit paragraph (2).
- (11) For Article 61(9)(b) (fingerprinting: application) substitute—
 - “(b) applies to a person arrested or detained under the terrorism provisions”.
- (12) For Article 62(12) (intimate samples: application) substitute—
 - “(12) Nothing in this Article applies to a person arrested or detained under the terrorism provisions; and paragraph (1A) shall not apply where the non-intimate samples mentioned in that paragraph were taken under paragraph 10 of Schedule 8 to the Terrorism Act 2000.”
- (13) For Article 63(11) (non-intimate samples: application) substitute—
 - “(11) Nothing in this Article applies to a person arrested or detained under the terrorism provisions”.
- (14) In Article 66 (codes of practice), omit paragraph (12).
- (15) In Article 74(9) (confessions) for “section 12 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 76 of the Terrorism Act 2000”.
- (16) In Article 76(2)(b) (exclusion of unfair evidence) for “subsection (1) of section 12 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “subsection (1) of section 76 of the Terrorism Act 2000”.

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

Criminal Justice and Public Order Act 1994 (c. 33)

- 9 In section 139(11) of the Criminal Justice and Public Order Act 1994 (search powers available on arrests under sections 136 and 137) for “section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989” there shall be substituted “section 43 of the Terrorism Act 2000”.

Drug Trafficking Act 1994 (c. 37)

- 10 (1) The Drug Trafficking Act 1994 shall be amended as follows.
- (2) In section 6(3) (realisable property)—
- (a) in paragraph (d) for “section 13(2), (3) or (4) of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 23 of the Terrorism Act 2000”, and
- (b) for paragraph (f) there shall be substituted—
- “(f) section 111 of the Terrorism Act 2000 (forfeiture orders).”

Proceeds of Crime (Scotland) Act 1995 (c. 43)

- 11 (1) The Proceeds of Crime (Scotland) Act 1995 shall be amended as follows.
- (2) In subsection (2) of section 1 (offences to which Part I (confiscation) applies), for “Part III of the 1989 Act” substitute “any of sections 15 to 18 of the Terrorism Act 2000”.
- (3) In subsection (1)(c) of section 42 (reciprocal enforcement of orders), for “1989 Act” substitute “Terrorism Act 2000”.
- (4) In subsection (1) of section 49 (interpretation), the definition of “the 1989 Act” shall cease to have effect.

Northern Ireland (Remission of Sentences) Act 1995 (c. 47)

- 12 (1) The following shall be substituted for section 1(1) and (2) of the Northern Ireland (Remission of Sentences) Act 1995 (release on licence of persons subject to restricted remission)—
- “1 (1) This section applies to persons serving sentences to which section 79 of the Terrorism Act 2000 applies (restricted remission for persons sentenced for scheduled offences).
- (2) A person to whom this section applies shall be released on licence for the period (or, where that period has partly elapsed, for the remainder of the period) during which, by reason only of section 79, he is prevented from being discharged in pursuance of prison rules.”
- (2) The following shall be substituted for section 1(6) of that Act—
- “(6) Section 80 of the Terrorism Act 2000 and Part II of the Treatment of Offenders (Northern Ireland) Order 1976 (conviction within certain period after discharge from prison, &c.) shall apply in relation to a person released on licence under this section as if he had been discharged in pursuance of prison rules.”

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

Criminal Procedure and Investigations Act 1996 (c. 25)

- 13 (1) The Criminal Procedure and Investigations Act 1996 shall, in its application to Northern Ireland (as set out in Schedule 4 to that Act), be amended as follows.
- (2) In section 14A(1) (public interest: review for scheduled offences) for “section 1 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 65 of the Terrorism Act 2000”.
- (3) In section 39(3)(a) (start of trial on indictment without a jury) for “section 11 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 75 of the Terrorism Act 2000”.

Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

- 14 (1) The Proceeds of Crime (Northern Ireland) Order 1996 shall be amended as follows.
- (2) In Article 2(4)(b) (offences to which Order does not apply) for “Part III of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “any of sections 15 to 18 of the Terrorism Act 2000”.
- (3) In Article 5(3) (realisable property) for sub-paragraph (c) substitute—
 “(c) section 23 or 111 of the Terrorism Act 2000 (forfeiture orders).”

Northern Ireland Arms Decommissioning Act 1997 (c. 7)

- 15 (1) This paragraph applies to a reference in paragraph 9 or 10 of the Schedule to the Northern Ireland Arms Decommissioning Act 1997 (amnesty) to an offence under a provision (“the old provision”) of—
- (a) the Prevention of Terrorism (Temporary Provisions) Act 1989, or
 - (b) the Northern Ireland (Emergency Provisions) Act 1996.
- (2) The reference shall be taken as a reference to an offence under this Act which is committed in circumstances which would have amounted to the commission of an offence under the old provision before it ceased to have effect.
- (3) Sub-paragraph (2) has effect for the purpose of the application of section 4(1) of the Northern Ireland Arms Decommissioning Act 1997 (amnesty) in relation to anything done after the old provision ceases to have effect.

Northern Ireland (Sentences) Act 1998 (c. 35)

- 16 (1) The Northern Ireland (Sentences) Act 1998 shall be amended as follows.
- (2) In section 5 (fixed term prisoners: special cases)—
- (a) in subsection (2) for “section 16(2) of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 80(2) of the Terrorism Act 2000”,
 - (b) in subsection (3)(a) for “section 16(2) of the 1996 Act” substitute “section 80(2) of the 2000 Act”,
 - (c) in subsection (4) for “section 16(2) of the 1996 Act” substitute “section 80(2) of the 2000 Act”, and
 - (d) at the end of subsection (4)(b) insert “, and
 (c) section 16(2) of the Northern Ireland (Emergency Provisions) Act 1996.”

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

- (3) For section 14(3)(a) (inadmissibility of evidence or information in certain proceedings) substitute—
- “(a) be admissible in proceedings on applications made under paragraph 1, 2, 5, 11, 13, 22, 28 or 30 of Schedule 5 to the Terrorism Act 2000.”
- 17 (1) This paragraph applies to a reference in section 14(2) of the Northern Ireland (Sentences) Act 1998 (inadmissibility of evidence or information in certain proceedings) to an offence under a provision (“the old provision”) of—
- (a) the Prevention of Terrorism (Temporary Provisions) Act 1989, or
- (b) the Northern Ireland (Emergency Provisions) Act 1996.
- (2) The reference shall be taken as including a reference to an offence under this Act which is committed in circumstances which would have amounted to the commission of an offence under the old provision before it ceased to have effect.

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

- 18 (1) The Criminal Justice (Children) (Northern Ireland) Order 1998 shall be amended as follows.
- (2) In Article 12(4) (release on bail) for “section 3 of the Northern Ireland (Emergency Provisions) Act 1996” substitute “section 67 of the Terrorism Act 2000”.

Access to Justice Act 1999 (c. 22)

- 19 (1) In paragraph 2(1) of Schedule 2 to the Access to Justice Act 1999 (Community Legal Service: exceptions to excluded services) after paragraph (h) insert—
- “or
- (i) the Proscribed Organisations Appeal Commission”.
- (2) The amendment made by sub-paragraph (1) is without prejudice to the power to make regulations under section 6(7) of the Access to Justice Act 1999 amending or revoking the provision inserted by that sub-paragraph.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 20 (1) The Powers of Criminal Courts (Sentencing) Act 2000 shall be amended as follows.
- (2) In section 88(2)(b) (meaning of “remanded in custody”) for “section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 41 of the Terrorism Act 2000”.
- (3) In section 101(12)(b) (meaning of “remanded in custody”) for “section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989” substitute “section 41 of the Terrorism Act 2000”.