

## SCHEDULES

### SCHEDULE 5

#### TERRORIST INVESTIGATIONS: INFORMATION

##### PART I

##### ENGLAND AND WALES AND NORTHERN IRELAND

###### *Northern Ireland*

- 19 (1) The Secretary of State may by a written order which relates to specified premises give to any constable in Northern Ireland—
- (a) the authority which may be given by a search warrant under paragraph 1;
  - (b) the authority which may be given by a search warrant under paragraph 11.
- (2) An order shall not be made under this paragraph unless—
- (a) it appears to the Secretary of State that the information which it would be necessary to provide to the court in support of an application for a warrant would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18 or under section 56, and
  - (b) the order is made for the purposes of an investigation of the commission, preparation or instigation of an offence under any of sections 15 to 18 or under section 56.
- (3) The Secretary of State may make an order under sub-paragraph (1)(a) in relation to particular premises only if satisfied—
- (a) that there are reasonable grounds for believing that there is material on the premises which is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and which does not consist of or include excepted material, and
  - (b) that the authority of an order is likely to be necessary in the circumstances of the case.
- (4) The Secretary of State may make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that an order made under paragraph 5 in relation to material on the premises has not been complied with.
- (5) The Secretary of State may also make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that there are reasonable grounds for believing that—
- (a) there is material on the premises which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the material is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and
  - (c) an order under paragraph 5 would not be appropriate in relation to the material for the reason mentioned in paragraph 12(4)(a) or (b) or because the investigation mentioned in sub-paragraph (2)(b) might be seriously prejudiced unless a constable can secure immediate access to the material.
- (6) An order under sub-paragraph (1)(b) may not be made except in the circumstances specified in sub-paragraphs (4) and (5).
- (7) A person commits an offence if he wilfully obstructs a search under this paragraph.
- (8) A person guilty of an offence under sub-paragraph (7) 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.