

SCHEDULES

SCHEDULE 5

TERRORIST INVESTIGATIONS: INFORMATION

PART I

ENGLAND AND WALES AND NORTHERN IRELAND

Excluded and special procedure material: production & access

- 6 (1) A Circuit judge may grant an application under paragraph 5 if satisfied—
- (a) that the material to which the application relates consists of or includes excluded material or special procedure material,
 - (b) that it does not include items subject to legal privilege, and
 - (c) that the conditions in sub-paragraphs (2) and (3) are satisfied in respect of that material.
- (2) The first condition is that—
- (a) the order is sought for the purposes of a terrorist investigation, and
 - (b) there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.
- (3) The second condition is that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given having regard—
- (a) to the benefit likely to accrue to a terrorist investigation if the material is obtained, and
 - (b) to the circumstances under which the person concerned has any of the material in his possession, custody or power.