



Terrorism Act 2000

2000 CHAPTER 11

PART VII

NORTHERN IRELAND

Specified organisations

109 Inferences

- (1) This section applies where a person is charged with an offence under section 11.
- (2) Subsection (4) applies where evidence is given that—
 - (a) at any time before being charged with the offence the accused, on being questioned under caution by a constable, failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
 - (b) before being questioned the accused was permitted to consult a solicitor.
- (3) Subsection (4) also applies where evidence is given that—
 - (a) on being charged with the offence or informed by a constable that he might be prosecuted for it the accused failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
 - (b) before being charged or informed the accused was permitted to consult a solicitor.
- (4) Where this subsection applies—
 - (a) the court, in considering any question whether the accused belongs or belonged at a particular time to a specified organisation, may draw from the failure inferences relating to that question, but
 - (b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the inferences.

Status: This is the original version (as it was originally enacted).

- (5) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.