



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 13

#### MISCELLANEOUS

#### *Third pillar of the European Union*

#### **111 Implementation of the third pillar**

- (1) At any time before 1st July 2002, an authorised Minister may by regulations make provision—
  - (a) for the purpose of implementing any obligation of the United Kingdom created or arising by or under any third pillar measure or enabling any such obligation to be implemented,
  - (b) for the purpose of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of any third pillar measure to be exercised, or
  - (c) for the purpose of dealing with matters arising out of or related to any such obligation or rights.
- (2) For the purposes of subsection (1), the following are third pillar measures—
  - (a) the 1995 Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Simplified Extradition Procedure between the Member States of the European Union,
  - (b) the 1996 Convention drawn up on the basis of Article K.3 of the Treaty on European Union relating to Extradition between the Member States of the European Union,
  - (c) any framework decision adopted under Article 34 of the Treaty on European Union on the execution in the European Union of orders freezing property or evidence, on joint investigation teams, or on combatting terrorism, and

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- (d) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with Article 34 of the Treaty on European Union.
- (3) The provision that may be made under subsection (1) includes, subject to subsection (4), any such provision (of any such extent) as might be made by Act of Parliament.
- (4) The powers conferred by subsection (1) do not include power—
- (a) to make any provision imposing or increasing taxation,
  - (b) to make any provision taking effect from a date earlier than that of the making of the instrument containing the provision,
  - (c) to confer any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for a court or tribunal, or
  - (d) to create, except in accordance with subsection (6), a criminal offence which is punishable—
    - (i) on conviction on indictment, with imprisonment for more than two years,
    - (ii) on summary conviction, with imprisonment for more than three months,
    - (iii) on summary conviction, with a fine (not calculated on a daily basis) of more than level 5 on the standard scale or (for an offence triable either way) more than the statutory maximum, or
    - (iv) on summary conviction, with a fine of more than £100 a day.
- (5) Subsection (4)(c) does not preclude the modification of a power to legislate conferred otherwise than under subsection (1), or the extension of any such power to purposes of the like nature as those for which it was conferred, and a power to give directions as to matters of administration is not to be regarded as a power to legislate within the meaning of subsection (4)(c).
- (6) Subsection (4)(d) does not preclude the creation of an offence punishable on conviction on indictment with imprisonment for a term of any length if—
- (a) the offence is one for which a term of that length, a term of at least that length, or a term within a range of lengths including that length, is required for the offence by an obligation created or arising by or under any third pillar measure,
  - (b) the offence, if committed in particular circumstances, would be an offence falling within paragraph (a), or
  - (c) the offence is not committed in the United Kingdom but would, if committed in the United Kingdom, or a part of the United Kingdom, be punishable on conviction on indictment with imprisonment for a term of that length.

## **112 Third pillar: supplemental**

- (1) “Authorised Minister” in section 111(1) has the meaning given by subsections (2) and (3).
- (2) The Scottish Ministers are authorised Ministers for any purpose for which powers under section 111(1) are exercisable within devolved competence (within the meaning of the Scotland Act 1998 (c. 46)).
- (3) For any other purpose, the following are authorised Ministers—

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- (a) the Secretary of State,
  - (b) the Lord Chancellor,
  - (c) the Treasury,
  - (d) the National Assembly for Wales, if designated under subsection (4),
  - (e) the First Minister and deputy First Minister acting jointly, a Northern Ireland Minister or a Northern Ireland department, if the Ministers are, or the Minister or the department is, designated under subsection (4).
- (4) A designation under this subsection may be made by Order in Council in relation to any matter or for any purpose, and is subject to any restriction or condition specified in the Order.
- (5) An Order in Council under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make regulations under section 111(1)—
- (a) in the case of the First Minister and deputy First Minister acting jointly, a Northern Ireland Minister or a Northern Ireland Department, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I.1979/1573 (N.I. 12)),
  - (b) in any other case, is exercisable by statutory instrument.
- (7) No regulations may be made under section 111(1) unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (8) Subsection (7) has effect, so far as it relates to the exercise of powers under section 111(1) by the Scottish Ministers, as if the reference to each House of Parliament were a reference to the Scottish Parliament.
- (9) Subsection (7) does not apply to a statutory instrument containing regulations made by the National Assembly for Wales unless the statutory instrument contains regulations—
- (a) made by the Secretary of State, the Lord Chancellor or the Treasury (whether or not jointly with the Assembly),
  - (b) relating to an English border area, or
  - (c) relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales);
- and in this subsection expressions used in the Government of Wales Act 1998 (c. 38) have the same meaning as in that Act.
- (10) Subsection (7) has effect, so far as it relates to the exercise of powers under section 111(1) by the First Minister and deputy First Minister acting jointly, a Northern Ireland Minister or a Northern Ireland department, as if the reference to each House of Parliament were a reference to the Northern Ireland Assembly.

### *Dangerous substances*

## **113 Use of noxious substances or things to cause harm and intimidate**

- (1) A person who takes any action which—
- (a) involves the use of a noxious substance or other noxious thing;

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- (b) has or is likely to have an effect falling within subsection (2); and
  - (c) is designed to influence the government or to intimidate the public or a section of the public,
- is guilty of an offence.
- (2) Action has an effect falling within this subsection if it—
- (a) causes serious violence against a person anywhere in the world;
  - (b) causes serious damage to real or personal property anywhere in the world;
  - (c) endangers human life or creates a serious risk to the health or safety of the public or a section of the public; or
  - (d) induces in members of the public the fear that the action is likely to endanger their lives or create a serious risk to their health or safety;
- but any effect on the person taking the action is to be disregarded.
- (3) A person who—
- (a) makes a threat that he or another will take any action which constitutes an offence under subsection (1); and
  - (b) intends thereby to induce in a person anywhere in the world the fear that the threat is likely to be carried out,
- is guilty of an offence.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both); and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine (or both).
- (5) In this section—
- “the government” means the government of the United Kingdom, of a part of the United Kingdom or of a country other than the United Kingdom; and
  - “the public” includes the public of a country other than the United Kingdom.

VALID FROM 26/04/2004

### **[<sup>F1</sup>113A Application of section 113**

- (1) Section 113 applies to conduct done—
  - (a) in the United Kingdom; or
  - (b) outside the United Kingdom which satisfies the following two conditions.
- (2) The first condition is that the conduct is done for the purpose of advancing a political, religious or ideological cause.
- (3) The second condition is that the conduct is—
  - (a) by a United Kingdom national or a United Kingdom resident;
  - (b) by any person done to, or in relation to, a United Kingdom national, a United Kingdom resident or a protected person; or
  - (c) by any person done in circumstances which fall within section 63D(1)(b) and (c) or (3)(b) and (c) of the Terrorism Act 2000.

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- (4) The following expressions have the same meaning as they have for the purposes of sections 63C and 63D of that Act—
- (a) “United Kingdom national”;
  - (b) “United Kingdom resident”;
  - (c) “protected person”.
- (5) For the purposes of this section it is immaterial whether a person knows that another is a United Kingdom national, a United Kingdom resident or a protected person.

#### Textual Amendments

**F1** Ss. 113A, 113B inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 53, 94**; [S.I. 2004/786](#), **art. 3**

VALID FROM 26/04/2004

### 113B Consent to prosecution for offence under section 113

- (1) Proceedings for an offence committed under section 113 outside the United Kingdom are not to be started—
- (a) in England and Wales, except by or with the consent of the Attorney General;
  - (b) in Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland.
- (2) Proceedings for an offence committed under section 113 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any part of the United Kingdom.
- (3) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (1)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.]

#### Textual Amendments

**F1** Ss. 113A, 113B inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 53, 94**; [S.I. 2004/786](#), **art. 3**

### 114 Hoaxes involving noxious substances or things

- (1) A person is guilty of an offence if he—
- (a) places any substance or other thing in any place; or
  - (b) sends any substance or other thing from one place to another (by post, rail or any other means whatever);
- with the intention of inducing in a person anywhere in the world a belief that it is likely to be (or contain) a noxious substance or other noxious thing and thereby endanger human life or create a serious risk to human health.

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- (2) A person is guilty of an offence if he communicates any information which he knows or believes to be false with the intention of inducing in a person anywhere in the world a belief that a noxious substance or other noxious thing is likely to be present (whether at the time the information is communicated or later) in any place and thereby endanger human life or create a serious risk to human health.
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both); and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or a fine (or both).

### **115 Sections 113 and 114: supplementary**

- (1) For the purposes of sections 113 and 114 “substance” includes any biological agent and any other natural or artificial substance (whatever its form, origin or method of production).
- (2) For a person to be guilty of an offence under section 113(3) or 114 it is not necessary for him to have any particular person in mind as the person in whom he intends to induce the belief in question.

### *Intelligence Services Act 1994*

### **116 Amendments of Intelligence Services Act 1994**

- (1) In section 7 of the Intelligence Services Act 1994 (c. 13) (authorisation of acts outside the British Islands), in subsection (3) —
  - (a) in paragraphs (a) and (b)(i), after “the Intelligence Service” insert, in each case, “ or GCHQ ”; and
  - (b) in paragraph (c), after “2(2)(a)” insert “ or 4(2)(a) ”.
- (2) After subsection (8) of that section insert—
  - “(9) For the purposes of this section the reference in subsection (1) to an act done outside the British Islands includes a reference to any act which—
    - (a) is done in the British Islands; but
    - (b) is or is intended to be done in relation to apparatus that is believed to be outside the British Islands, or in relation to anything appearing to originate from such apparatus;
 and in this subsection “apparatus” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).”
- (3) In section 11(1A) of that Act (prevention and detection of crime to have the same meaning as in Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000), for the words from “for the purposes of this Act” to the end of the subsection substitute—
  - “(a) for the purposes of section 3 above, as it applies for the purposes of Chapter 1 of Part 1 of that Act; and
  - (b) for the other purposes of this Act, as it applies for the purposes of the provisions of that Act not contained in that Chapter.”

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## *Terrorism Act 2000*

### **117 Information about acts of terrorism**

- (1) The Terrorism Act 2000 (c. 11) is amended as follows.
- (2) After section 38 insert—

#### **“38B Information about acts of terrorism**

- (1) This section applies where a person has information which he knows or believes might be of material assistance—
    - (a) in preventing the commission by another person of an act of terrorism, or
    - (b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.
  - (2) The person commits an offence if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3).
  - (3) Disclosure is in accordance with this subsection if it is made—
    - (a) in England and Wales, to a constable,
    - (b) in Scotland, to a constable, or
    - (c) in Northern Ireland, to a constable or a member of Her Majesty’s forces.
  - (4) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.
  - (5) 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, or to a fine or to both, or
    - (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.
  - (6) Proceedings for an offence under this section may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place where the person to be charged is or has at any time been since he first knew or believed that the information might be of material assistance as mentioned in subsection (1).”
- (3) In section 39(3) (disclosure of information etc.), after “21” insert “ or 38B ”.

### **118 Port and airport controls for domestic travel**

- (1) Schedule 7 to the Terrorism Act 2000 (port and border controls) is amended as follows.
- (2) In paragraph 2(2)(b), at the end insert “or his travelling by air within Great Britain or within Northern Ireland.”
- (3) In paragraph 2(3), for “in Great Britain or Northern Ireland.” substitute “ at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland). ”

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(4) For paragraph 9(2) substitute—

“(2) This paragraph applies to—

- (a) goods which have arrived in or are about to leave Great Britain or Northern Ireland on a ship or vehicle, and
- (b) goods which have arrived at or are about to leave any place in Great Britain or Northern Ireland on an aircraft (whether the place they have come from or are going to is within or outside Great Britain or Northern Ireland).”

## 119 Passenger information

(1) Paragraph 17 of Schedule 7 to the Terrorism Act 2000 (c. 11) (port and border controls: passenger information) is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) This paragraph applies to a ship or aircraft which—

- (a) arrives or is expected to arrive in any place in the United Kingdom (whether from another place in the United Kingdom or from outside the United Kingdom), or
- (b) leaves or is expected to leave the United Kingdom.”

(3) In sub-paragraph (4)—

- (a) omit the “or” at the end of paragraph (b), and
- (b) after paragraph (c) add—

“, or

(d) to goods.”

## 120 Weapons training for terrorists

(1) In section 54(1) and (2) of the Terrorism Act 2000 (weapons training for terrorists), after paragraph (a) insert—

“(aa) radioactive material or weapons designed or adapted for the discharge of any radioactive material.”

(2) In section 55 of that Act (definitions)—

(a) for the definition of “biological weapon” substitute—

““biological weapon” means a biological agent or toxin (within the meaning of the Biological Weapons Act 1974) in a form capable of use for hostile purposes or anything to which section 1(1)(b) of that Act applies.”;

(b) after the definition of “chemical weapon” insert—

““radioactive material” means radioactive material capable of endangering life or causing harm to human health.”;

and

(c) the definition of “nuclear weapon” shall cease to have effect.



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VALID FROM 07/07/2002

## **121 Crown Court judges: Northern Ireland**

- (1) The Terrorism Act 2000 (c. 11) is amended as follows.
- (2) In paragraph 18 of Schedule 5 (terrorist investigations: application to Northern Ireland)—
  - (a) omit paragraph (e);
  - (b) in paragraph (g) for “county court judge” substitute “ Crown Court judge ”.
- (3) In paragraph 20 of that Schedule (powers of Secretary of State), in sub-paragraphs (2) and (3)(a) for “county court judge” substitute “ Crown Court judge ”.
- (4) In paragraph 3(c) of Schedule 6 (persons by whom financial information orders may be made) for “county court judge” substitute “ Crown Court judge ”.

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