# **Terrorism Bill**

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# BILL

TO

Make provision for and about offences relating to conduct for the purposes of or in relation to the commission, preparation or instigation of acts of terrorism and to conduct that is capable of being for those purposes; to amend enactments relating to terrorism; to amend the Explosive Substances Act 1883, the Intelligence Services Act 1994 and Part 1 of the Regulation of Investigatory Powers Act 2000; and for connected purposes.

**B** E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: —

#### PART 1

#### **OFFENCES**

Encouragement and glorification of terrorism

# 1 Encouragement of terrorism

(1) A person commits an offence if he –(a) publishes a statement or causes another to publish a statement on his behalf; and

(b) at the time he does so, knows or believes, or has reasonable grounds for believing, that members of the public to whom the statement is or is to be published are likely to understand it as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism or Convention offences.

- (2) For the purposes of this section the question what it would be reasonable to believe about how members of the public will understand a statement must be determined having regard both—
  - (a) to the contents of the statement as a whole; and
  - (b) to the circumstances and manner in which it is or is to be published.

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		Turi I – Offences	
(3)	It is in	relevant for the purposes of subsection (1) –	
	(a) (b)	whether the statement is likely to be understood as an encouragement or other inducement to the commission, preparation or instigation of one or more particular acts of terrorism or Convention offences, of acts of terrorism or Convention offences of a particular description or of acts of terrorism or Convention offences generally; and whether any person is in fact encouraged or induced by the statement to commit, prepare or instigate any such act or offence.	5
(4)		ceedings against a person for an offence under this section it is a defence m to show —	10
	(a)	that he published the statement in respect of which he is charged, or caused it to be published, in the course of providing a service electronically;	
	(b)	that, in publishing it or causing it to be published, he acted on behalf of another, or did no more than make available a facility giving access to the statement;	15
	(c)	that the statement neither expressed his views nor had his endorsement; and	
	(d)	that it was clear, in all the circumstances, that it did not.	
(5)	A pers	son guilty of an offence under this section shall be liable—	20
	(a)	on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;	
	(b)	on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;	25
	(c)	on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.	
(6)	of the	tion to an offence committed before the commencement of section 154(1) Criminal Justice Act 2003 (c. 44), the reference in subsection (5)(b) to 12 as is to be read as a reference to 6 months.	30
	Glorifi	cation of terrorism etc.	
(1)	A pers	son commits an offence if —	
	(a)	he publishes a statement or causes another to publish a statement on his behalf;	35
	(b)	the statement glorifies, exalts or celebrates the commission, preparation or instigation (whether in the past, in the future or generally) of acts of terrorism; and	
	(c)	the circumstances and manner of the statement's publication (taken together with its contents) are such that it would be reasonable for members of the public to whom it is published to assume that the statement expresses the views of that person or has his endorsement.	40
(2)	exalted more p	relevant for the purposes of subsection (1) whether what is glorified, d or celebrated is the commission, preparation or instigation of one or particular acts of terrorism, of acts of terrorism of a particular description acts of terrorism generally.	45

(3) A person is guilty of an offence under this section in respect of a statement glorifying, exalting or celebrating anything occurring more than 20 years

before the publication of the statement only if the statement relates, whether directly or indirectly, to conduct or events specified for the purposes of this section by order made by the Secretary of State.
The power of the Secretary of State to make an order under subsection (3) shall

- (4) The power of the Secretary of State to make an order under subsection (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
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- (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 5 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (5)(b) to 12 months is to be read as a reference to 6 months.

# 3 Dissemination of terrorist publications

(1) A person commits an offence if he –

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- (a) distributes or circulates a terrorist publication;
  - (b) gives, sells or lends such a publication;
  - (c) offers such a publication for sale or loan;
  - (d) transmits the contents of such a publication electronically;
  - (e) makes available to others (whether electronically or otherwise) a facility for enabling them to obtain, read, listen to or look at such a publication, or to acquire it by means of a gift, sale or loan; or
  - (f) has such a publication in his possession with a view to its becoming the subject of conduct falling with any of paragraphs (a) to (e).
- (2) For the purposes of this section a publication is a terrorist publication, in relation to conduct falling within subsection (1)(a) to (f), if matter contained in it constitutes, in the context of that conduct either
  - (a) a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism; or
  - (b) information of assistance in the commission or preparation of such acts.
- (3) In the context of conduct falling within subsection (1)(a) to (f), matter contained in a publication constitutes a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism if, and only if, it is such that it is likely to be understood as such an encouragement or other inducement by some or all of the persons to whom it is or is likely to be available in consequence of that conduct.
- (4) In the context of conduct falling within subsection (1)(a) to (f), matter contained in a publication constitutes information of assistance in the commission or preparation of acts of terrorism if, and only if
  - (a) it is information that is capable of being useful in the commission or preparation of such acts; and

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- (b) it is likely to be understood, by some or all of the persons to whom it is or is likely to be available in consequence of that conduct, as contained in that publication wholly or mainly for the purpose of being so useful.
- (5) For the purposes of this section the question whether a publication is a terrorist publication in the context of particular conduct must be determined
  - (a) as at the time of that conduct; and
  - (b) having regard both to the contents of the publication as a whole and to the circumstances in which that conduct occurs.
- (6) It is irrelevant for the purposes of this section whether
  - (a) the encouragement or other inducement mentioned in subsection (3), or
  - (b) the usefulness mentioned in subsection (4),

is in relation to one or more particular acts of terrorism, to acts of terrorism of a particular description or to acts of terrorism generally.

- (7) In proceedings against a person for an offence under this section it is a defence for him to show
  - (a) that he had not examined the publication in respect of which he is charged; and
  - (b) that he had no reasonable grounds for suspecting that it was a terrorist publication.
- (8) In proceedings against a person for an offence under this section in respect of any conduct falling within subsection (1)(a) to (f) it is a defence for him to show
  - (a) that he engaged in that conduct only for the purposes of or in connection with the provision by him of a service provided electronically;
  - (b) that the publication to which the conduct related, so far as it was a terrorist publication by virtue of subsection (3), neither expressed his views nor had his endorsement;
  - (c) that it was clear in all the circumstances that the publication, so far as it was a terrorist publication by virtue of that subsection, neither expressed his views nor had his endorsement; and
  - (d) that the conduct in relation to that publication, so far as it was a terrorist publication by virtue of subsection (4), was not intended by him to provide or make available assistance to any person in the commission or preparation of acts of terrorism.
- (9) A person guilty of an offence under this section shall be liable
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (10) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (9)(b) to 12 months is to be read as a reference to 6 months.

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(11)	In this section "publication" means an article or record of any description that contains any of the following, or any combination of them—  (a) matter to be read; (b) matter to be listened to; (c) matter to be looked at or watched; and references in this section to what is contained in an article or record include references to anything that is embodied or stored in or on it and to anything that may be reproduced from it using apparatus designed or adapted for the purpose.	
(12)	In this section—  "article" includes anything for storing data;  "lend" includes let on hire, and "loan" is to be construed accordingly;	
	"record" means a record so far as not comprised in an article, including a temporary record created electronically and existing solely in the course of, and for the purposes of, the transmission of the whole or a part of its contents.	
	Preparation of terrorist acts and terrorist training	
4	Preparation of terrorist acts	
(1)	A person commits an offence if, with the intention of —  (a) committing acts of terrorism, or  (b) assisting another to commit such acts, he engages in any conduct in preparation for giving effect to his intention.	
(2)	It is irrelevant for the purposes of subsection (1) whether the intention and preparations relate to one or more particular acts of terrorism, acts of terrorism of a particular description or acts of terrorism generally.	
(3)	A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.	
5	Training for terrorism	
(1)	A person commits an offence if —	
	(a) he provides instruction or training in any of the skills mentioned in subsection (4); and	
	(b) at the time he provides the instruction or training, he knows or suspects that a person receiving it intends to use the skills in which he is being instructed or trained—	
	<ul><li>(i) for or in connection with the commission or preparation of acts of terrorism or Convention offences; or</li><li>(ii) for assisting the commission or preparation by others of such</li></ul>	
	acts or offences.	
(2)	A person commits an offence if —	
	(a) without lawful excuse he receives instruction or training in any of the skills mentioned in subsection (4); and	

(b) at the time of the instruction or training, he intends to use the skills in which he is being instructed or trained —

- (i) for or in connection with the commission or preparation of acts of terrorism or Convention offences; or
- (ii) for assisting the commission or preparation by others of such acts or offences.
- (3) A person commits an offence if –

- (a) he invites other persons to receive instruction or training in any of the skills mentioned in subsection (4); and
- (b) at the time of the invitation, he knows or suspects that one or more of the persons to whom the invitation is addressed intends to acquire the skills to which the invitation relates for use—

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- (i) for or in connection with the commission or preparation of acts of terrorism or Convention offences; or
- (ii) for assisting the commission or preparation by others of such acts or offences.
- (4) The skills are—

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- (a) the making, handling or use of a noxious substance, or of substances of a description of such substances; and
- (b) the design, adaptation or use of any method or technique for doing anything, or assisting another to do anything which is capable of being done, for the purposes of or in connection with the commission or preparation of an act of terrorism or Convention offence.

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- (5) It is irrelevant for the purposes of subsections (1) to (3)
  - (a) whether any instruction or training that is provided is provided to one or more particular persons or generally;

(b) whether the acts or offences in relation to which a person intends to use skills in which he is instructed or trained consist of one or more particular acts of terrorism or Convention offences, acts of terrorism or Convention offences of a particular description or acts of terrorism or Convention offences generally; and

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(c) whether assistance that a person intends to provide to others is intended to be provided to one or more particular persons or to one or more persons whose identities are not yet known.

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- (6) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;

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- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
- (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.

- (7) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (6)(b) to 12 months is to be read as a reference to 6 months.
- (8) A court before which a person is convicted of an offence under this section may order the forfeiture of anything the court considers to have been in the person's possession for purposes connected with the offence.

(9)	Before making an order under subsection (8) in relation to anything the court must give an opportunity of being heard to any person other than the convicted person who claims to be the owner of that thing or otherwise to have an interest in it.					
(10)	An order under subsection (8) may not be made so as to come into force at any time before there is no further possibility (disregarding any power to grant permission for the bringing of an appeal out of time) of the order's being varied or set aside on appeal.	5				
(11)	In this section—  "noxious substance" means—  (a) a dangerous substance within the meaning of Part 7 of the Antiterrorism, Crime and Security Act 2001 (c. 24); or  (b) any other substance which is hazardous or noxious or which, in certain circumstances, may be or become, hazardous or noxious;	10 15				
	"substance" includes any natural or artificial substance (whatever its origin or method of production and whether in solid or liquid form or in the form of a gas or vapour) and any mixture of substances; and references in this section to the provision of instruction or training include references to making it available.	20				
6	ttendance at a place used for terrorist training					
(1)	<ul> <li>(a) he attends at any place, whether in the United Kingdom or elsewhere;</li> <li>(b) while he is at that place, instruction or training of the type mentioned in section 5(1) of this Act or section 54(1) of the Terrorism Act 2000 (c. 11) (weapons training) is provided there;</li> <li>(c) the instruction or training provided while he is there is provided wholly or partly for purposes connected with the commission, preparation or instigation of acts of terrorism or Convention offences; and</li> <li>(d) a person attending at that place throughout the period of that person's attendance could not reasonably have failed to understand that training or instruction was being provided there wholly or partly for such purposes.</li> </ul>	25				
(2)	<ul> <li>(a) whether the person concerned receives the instruction or training himself; and</li> <li>(b) whether the instruction or training that is provided is for purposes connected with one or more particular acts of terrorism or Convention offences, acts of terrorism or Convention offences of a particular description or acts of terrorism or Convention offences generally.</li> </ul>	35 40				
(3)	A person guilty of an offence under this section shall be liable—  (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;  (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;	45				

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(c)	on summary	conviction	in	Scotland	or	North	ern	Irel	land,	to
	imprisonment						or t	o a	fine	not
	exceeding the	statutory ma	ixim	um, or to b	oth.					

- (4) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(b) to 12 months is to be read as a reference to 6 months.
- (5) References in this section to instruction or training being provided include references to its being made available.

Offences involving radioactive devices and materials and nuclear facilities and sites

# Making and possession of devices or materials (1) A person commits an offence if — (a) he makes or has in his possession a radioactive device, or (b) he has in his possession radioactive material, with the intention of using the device or material for the purposes of terrorism in an action falling within subsection (2), or of making it available to be so used. (2) An action falls within this subsection if it does one or more of the following — (a) causes serious bodily injury to a person; (b) causes serious damage to property; (c) endangers a person's life; or

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

creates a serious risk to the health or safety of the public.

(4) In this section –

"radioactive device" means -

(a) a nuclear weapon or other nuclear explosive device;

(b) a radioactive material dispersal device;

(c) a radiation-emitting device;

"radioactive material" means nuclear material or any other radioactive substance which—

- (a) contains nuclides that undergo spontaneous disintegration in a process accompanied by the emission of one or more types of ionising radiation, such as alpha radiation, beta radiation, neutron particles or gamma rays; and
- (b) is capable, owing to its radiological or fissile properties, of
  - (i) causing serious bodily injury to a person;

(ii) causing serious damage to property;

- (iii) endangering a person's life; or
- (iv) creating a serious risk to the health or safety of the public.
- (5) In subsection (4) 40 "device" includes any of the following, whether or not fixed to land,

device" includes any of the following, whether or not fixed to land, namely, machinery, equipment, appliances, tanks, containers, pipes and conduits;

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"nuclear material" has the same meaning as in the Nuclear Material (Offences) Act 1983 (c. 18) (see section 6 of that Act).

	Misuse of devices or material and misuse and damage of facilities	
(1)	A person commits an offence if —  (a) he uses a radioactive device, or  (b) he uses radioactive material,  in a manner which he intends to have an effect for the purposes of terrorism that is mentioned in subsection (3).	5
(2)	A person commits an offence if, with the intention of having an effect for the purposes of terrorism that is mentioned in subsection (3), he uses or damages a nuclear facility in a manner which—  (a) causes a release of radioactive material; or  (b) creates or increases a risk that such material will be released.	10
(3)	Those effects are —  (a) causing serious bodily injury to a person;  (b) causing serious damage to property;  (c) endangering a person's life;	15
	<ul> <li>(d) creating a person sine,</li> <li>(e) creating a serious risk to the health or safety of the public; or</li> <li>(e) influencing a person, the government or an international governmental organisation, or intimidating the public.</li> </ul>	20
(4)	A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.	
(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;  "nuclear facility" means—  (a) a nuclear reactor, including a reactor installed in any transportation device for use as an energy source in order to propel it or for any other purpose; or  (b) a plant or conveyance being used for the production, storage, processing or transport of radioactive material;  "radioactive device" and "radioactive material" have the same meanings as in section 7.	25 30
(6)	In subsection (5) —  "nuclear reactor" has the same meaning as in the Nuclear Installations Act 1965 (c. 57) (see section 26 of that Act);  "transportation device" means any vehicle or any space object (within the meaning of the Outer Space Act 1986 (c. 38)).	35
	Terrorist threats relating to devices, materials or facilities	40

terrorism or for the purposes of terrorism —

A person commits an offence if, in the course of or in connection with an act of

(a) he makes a demand for the supply to himself or to another of a radioactive device or of radioactive material, for a nuclear facility to be

	made available to himself or to another or for access to such a facility to be given to himself or to another;	
	(b) he supports the demand with a threat that he or another will take action if the demand is not met; and	
	(c) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out if the demand is not met.	5
(2)	A person also commits an offence if —	
	(a) for the purposes of terrorism he makes a threat falling within subsection (3);	10
	(b) the carrying out of the threat would have one or more of the effects mentioned in subsection (4), or would be likely to have one or more of those effects; and	
	(c) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out, or would be carried out if demands made in association with the threat are not met.	15
(3)	A threat falls within this section if it is—	
	(a) a threat to use radioactive material;	20
	<ul><li>(b) a threat to use a radioactive device; or</li><li>(c) a threat to use or damage a nuclear facility in a manner that releases radioactive material or creates or increases a risk that such material will be released.</li></ul>	20
(4)	The effects referred to in subsection (2)(b) are—	
` '	<ul><li>(a) causing serious bodily injury to a person;</li><li>(b) causing serious damage to property;</li><li>(c) endangering a person's life;</li></ul>	25
	<ul> <li>(d) creating a serious risk to the health or safety of the public; or</li> <li>(e) influencing a person, the government or an international governmental organisation, or intimidating the public.</li> </ul>	30
(5)	A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.	
(6)	In this section—	
	"the government" and "nuclear facility" have the same meanings as in section 8;  "radioactive device" and "radioactive material" have the same meanings as in section 7.	35
10	Trespassing etc. on civil nuclear sites	
(1)	The Serious Organised Crime and Police Act 2005 (c. 15) is amended as follows.	
(2)	In subsection (1) of each of sections 128 and 129 (trespassing etc. on a designated site in England and Wales or Northern Ireland or in Scotland), for "designated" insert "protected".	40
(3)	After section 128(1) (sites in England and Wales and Northern Ireland) insert –	
	"(1A) In this section 'protected site' means—  (a) a civil nuclear site; or	45
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		(b)	a designated site.	
	(1B)	In this (a) (b)	any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force; and so much of any premises of which premises falling within paragraph (a) form a part as lies between—  (i) the edge of the premises in respect of which the licence is in force; and  (ii) the outer perimeter of the protection provided for those premises.	5
	(1C)	For th	is purpose — the outer perimeter of the protection provided for any premises	
		(α)	is the line of the outermost fence provided for the protection of those premises; and	15
		(b)	the line of such a fence shall be treated as including what would, assuming every gateway in the fence to be closed, be the line the gate in each of those gateways."	
(4)	After	section	129(1) (sites in Scotland) insert –	
	"(1A)	In this (a) (b)	s section 'protected Scottish site' means— a civil nuclear site in Scotland; or a designated Scottish site.	20
	(1B)	In this	s section 'civil nuclear site' means — any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force; and	25
		(b)	so much of any premises of which premises falling within paragraph (a) form a part as lies between —	
			(i) the edge of the premises in respect of which the licence is in force; and	30
			(ii) the outer perimeter of the protection provided for those premises.	
	(1C)	For th	is purpose –	
		(a)	the outer perimeter of the protection provided for any premises is the line of the outermost fence provided for the protection of those premises, and	35
		(b)	the line of such a fence shall be treated as including what would, assuming every gateway in the fence to be closed, be the line of the gate in each of those gateways."	
			Increases of penalties	40

# 11 Maximum penalty for possessing for terrorist purposes

(1) In section 57(4)(a) of the Terrorism Act 2000 (c. 11) (10 years maximum imprisonment for possession for terrorist purposes), for "10 years" substitute "15 years".

(2) Subsection (1) does not apply to offences committed before the commencement of this section.

# 12 Maximum penalty for certain offences relating to nuclear material

(1) In section 2 of the Nuclear Material (Offences) Act 1983 (c. 18) (offences involving preparatory acts and threats), for subsection (5) substitute –

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- "(5) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life."
- (2) Subsection (1) does not apply to offences committed before the commencement of this section.

*Incidental provisions about offences* 

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#### 13 Commission of offences abroad

- (1) If -
  - (a) a person does anything outside the United Kingdom, and
  - (b) his action, if done in a part of the United Kingdom, would constitute an offence falling within subsection (2),

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he shall be guilty in that part of the United Kingdom of the offence.

- (2) The offences falling within this subsection are
  - (a) an offence under this Part of this Act (other than an offence under section 3);
  - (b) an offence under section 11(1) of the Terrorism Act 2000 (c. 11) (membership of proscribed organisations);
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  - (c) an offence under section 54 of that Act (weapons training);
  - (d) conspiracy to commit an offence to which this section applies;
  - (e) inciting a person to commit such an offence;
  - (f) attempting to commit such an offence.

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- (3) Subsection (1) applies irrespective of whether the person is a British citizen or, in the case of a company, a company incorporated in a part of the United Kingdom.
- (4) In the case of an offence mentioned in subsection (1) which is committed wholly or partly outside the United Kingdom –

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- (a) proceedings for the offence may be taken at any place in the United Kingdom; and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (5) In section 3(1)(a) and (b) of the Explosive Substances Act 1883 (c. 3) (offences committed in preparation for use of explosives with intent to endanger life or property in the United Kingdom or the Republic of Ireland), in each place, for "the Republic of Ireland" substitute "elsewhere".
- (6) Subsection (5) does not extend to Scotland except in relation to
  - (a) the doing of an act as an act of terrorism or for the purposes of terrorism; or
  - (b) the possession or control of a substance for the purposes of terrorism.

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14	Liability	of comp	pany di	rectors etc.
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- (1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person who was purporting to act in any such capacity, he (as well as the body corporate) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Part
  - (a) is committed by a Scottish firm, and
  - (b) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a partner of the firm,

he (as well as the firm) is guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) In this section "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

# 15 Consents to prosecutions

- (1) This section applies to any offence under this Part other than an offence under section 3.
- (2) Proceedings for an offence to which this section applies
  - (a) may be instituted in England and Wales only with the consent of the Director of Public Prosecutions; and
  - (b) may be instituted in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.
- (3) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom, his consent for the purposes of this section may be given only with the concurrence—
  - (a) in the case of the Director of Public Prosecutions, of the Attorney General; and
  - (b) in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland.
- (4) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), the reference in subsection (3)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

#### *Interpretation of Part 1*

# 16 Interpretation of Part 1

- (1) Expressions used in this Part and in the Terrorism Act 2000 (c. 11) have the same meanings in this Part as in that Act.
- (2) In this Part —

(3) In

(4) In

	Turi I – Offences	
	fact of terrorism" includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (c. 11) (see section 1(5) of that Act); "Convention offence" means an offence listed in Schedule 1 or an equivalent offence under the law of a country or territory outside the United Kingdom; "public" is to be construed in accordance with subsection (3); "publish" and cognate expressions and "statement" are to be construed in accordance with subsection (4).	5
In this	s Part references to the public —	10
(a)	are references to the public of any part of the United Kingdom or of a country or territory outside the United Kingdom, or any section of the public; and	
(b)	in the case of the references in sections 1 and 2, also include references to a meeting or other group of persons which is open to the public (whether unconditionally or on the making of a payment or the satisfaction of other conditions).	15
In this	s Part –	
(a)	references to a statement are references to a communication of any description, including a communication without words consisting of sounds or images or both; and	20
(b)	references to publishing a statement are references to publishing it in any manner to the public and to making available a facility the only or main purpose of which is to give the public access to the statement;	
but th	is subsection does not apply to the references to a publication in section 3.	25
The Se	ecretary of State may by order made by statutory instrument —	
(a)	modify Schedule 1 so as to add an offence to the offences listed in that Schedule;	
(b)	modify that Schedule so as to remove an offence from the offences so listed;	30
(c)	make supplemental, incidental, consequential or transitional provision in connection with the addition or removal of an offence.	
the of	der under subsection (5) may add an offence in or as regards Scotland to ffences listed in Schedule only so far as it is an offence relating to a yed matter (within the meaning of the Scotland Act 1998 (c. 46)).	35

(6) An reserved matter (within the meaning of the Scotland Act 1998 (c. 46)).

The Secretary of State must not make an order containing (with or without other provision) any provision authorised by subsection (5) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

> Part 2 40

# MISCELLANEOUS PROVISIONS

Proscription of terrorist organisations

#### **17** Grounds of proscription

In section 3 of the Terrorism Act 2000 (proscription of organisations), after

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Subsection (3) miser	ction (5) insert –
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- "(5A) The cases in which an organisation promotes or encourages terrorism for the purposes of subsection (5)(c) include any case in which activities of the organisation—
  - (a) include the glorification, exaltation or celebration of the commission, preparation or instigation (whether in the past, in the future or generally) of acts of terrorism; or
  - (b) are carried out in a manner that ensures that the organisation is associated with statements glorifying, exalting or celebrating the commission, preparation or instigation of such acts.
- (5B) The reference in subsection (5A) to statements is a reference to communications of any description, including communications without words consisting of sounds or images or both."

# 18 Name changes by proscribed organisations

- (1) The Terrorism Act 2000 (c. 11) is amended as follows.
- (2) In section 3 (proscription of organisations), at the end insert
  - "(6) Where the Secretary of State believes
    - (a) that an organisation listed in Schedule 2 is operating wholly or partly under a name that is not specified in that Schedule (whether as well as or instead of under the specified name), or
    - (b) that an organisation that is operating under a name that is not so specified is otherwise for all practical purposes the same as an organisation so listed,

he may, by order, provide that the name that is not specified in that Schedule is to be treated as another name for the listed organisation.

- (7) Where an order under subsection (6) provides for a name to be treated as another name for an organisation, this Act shall have effect in relation to acts occurring while—
  - (a) the order is in force, and
  - (b) the organisation continues to be listed in Schedule 2, as if the organisation were listed in that Schedule under the other name, as well as under the name specified in the Schedule.
- (8) The Secretary of State may at any time by order revoke an order under subsection (6) or otherwise provide for a name specified in such an order to cease to be treated as a name for a particular organisation.
- (9) Nothing in subsections (6) to (8) prevents any liability from being established in any proceedings by proof that an organisation is the same as an organisation listed in Schedule 2 even though it is or was operating under a name specified neither in Schedule 2 nor in an order under subsection (6)."
- (3) For subsection (1) of section 4 (applications for deproscription) substitute
  - "(1) An application may be made to the Secretary of State for an order under section 3(3) or (8)
    - (a) removing an organisation from Schedule 2, or

	(b) providing for a name to cease to be treated as a name for an organisation listed in that Schedule."		
(4)	In subsection (2)(b) of that section (applications may be made by persons affected by the organisation's proscription), after "proscription" insert "or by the treatment of the name as a name for the organisation."	5	
(5)	<ul> <li>In section 5 (appeals against refusals to deproscribe) –</li> <li>(a) in subsection (3), after "an organisation" insert "or to provide for a name to cease to be treated as a name for an organisation";</li> <li>(b) in subsection (4), omit "by or in respect of an organisation";</li> <li>(c) in subsection (5), after "subsection (4)" insert "in respect of an appeal against a refusal to deproscribe an organisation,".</li> </ul>	10	
(6)	After subsection (5) of that section insert —		
	"(5A) Where an order is made under subsection (4) in respect of an appeal against a refusal to provide for a name to cease to be treated as a name for an organisation, the Secretary of State shall, as soon as is reasonably practicable, make an order under section 3(8) providing that the name in question is to cease to be so treated in relation to that organisation."	15	
(7)	In section 7 (effect on conviction etc. of successful appeal), after subsection (1) insert —		
	<ul><li>"(1A) This section also applies where –</li><li>(a) an appeal under section 5 has been allowed in respect of a name treated as the name for an organisation,</li></ul>	20	
	(b) an order has been made under section 3(8) in respect of the name in accordance with an order of the Commission under section 5(4),	25	
	(c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and		
	(d) the activity to which the charge referred took place on or after the date of the refusal, against which the appeal under section 5 was brought, to provide for a name to cease to be treated as a name for the organisation."	30	
(8)	In that section—		
	<ul> <li>(a) in subsection (2), after "(1)(c)" insert "or (1A)(c);"</li> <li>(b) in subsection (4)(a), after "(1)(b)" insert "or (1A)(b)";</li> <li>(c) in subsection (5), after "(1)(c)" insert "or (1A)(c);"</li> <li>(d) in subsection (7)(a), after "(1)(b)" insert "or (1A)(b)".</li> </ul>	35	
(9)	In section 9 (proceedings under the Human Rights Act 1998) —  (a) in subsection (2)(a), for "and (5)" substitute ", (5) and (5A)";  (b) in subsection (4), at the end insert ", and		
	(c) a reference to a refusal to provide for a name to cease to be treated as a name for an organisation shall be taken as a reference to the action of the Secretary of State which	40	

(10) In section 123(2) (orders and regulations subject to negative resolution procedure), before paragraph (a) insert —

"(za) section 3(6) or (8);".

is found to be incompatible with a Convention right".

(11)	In paragraph 5(4) of Schedule 3 (the Proscribed Organisations Appeal Commission), after subparagraph (a) insert—  "(aa) provide for full particulars of the reasons for—  (i) the making of an order under section 3(6), or  (ii) a refusal to provide for a name to cease to be treated as a name for an organisation,  to be withheld from the organisation or applicant concerned and from any person representing it or him;".	5
	Detention of terrorist suspects	
19	Extension of period of detention by judicial authority	10
(1)	Schedule 8 to the Terrorism Act 2000 (c. 11) (detention of terrorist suspects) is amended as follows.	
(2)	In sub-paragraph (1) of each of paragraphs 29 and 36 (applications by a superintendent or above for a warrant extending detention or for the extension of the period of such a warrant), for the words from the beginning to "may" substitute—	15
	<ul> <li>(1) Each of the following –</li> <li>(a) in England and Wales, a Crown Prosecutor,</li> <li>(b) in Scotland, a procurator fiscal,</li> <li>(c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,</li> <li>(d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,</li> <li>may".</li> </ul>	20
(3)	In sub-paragraph (3) of paragraph 29 (period of extension to end no later than 7 days after arrest) —  (a) for "Subject to paragraph 36(3A)" substitute "Subject to sub-paragraph (3A) and paragraph 36"; and  (b) for "end not later than the end of" substitute "be".	25
(4)	After that sub-paragraph insert —	30
	<ul> <li>"(3A) A judicial authority may issue a warrant of further detention in relation to person which specifies a shorter period as the period for which that person's further detention is authorised if — <ul> <li>(a) the application for the warrant is an application for a warrant specifying a shorter period; or</li> </ul> </li> </ul>	35
	(b) the judicial authority is satisfied that there are special circumstances that would make it inappropriate for the specified period to be as long as the period of seven days mentioned in sub-paragraph (3)."	33
(5)	For sub-paragraphs (3) and (3A) of paragraph 36 (period for which warrants may be extended) substitute—	40
	"(3) Subject to sub-paragraph (3AA), the new specified period shall be the period which—  (a) begins with the time specified in sub-paragraph (3A); and	

Part 2 - Miscellaneous provisions (b) ends with whichever is the earlier of – the end of the period of seven days beginning with that time; and the end of the period of three months beginning with 5 the relevant time. (3A) The time referred to in sub-paragraph (3)(a) is – in the case of a warrant specifying a period which has not previously been extended under this paragraph, the end of the period specified in the warrant, and in any other case, the end of the period for which the period 10 specified in the warrant was last extended under this paragraph. (3AA) A judicial authority may extend or further extend the period specified in a warrant by a shorter period than is required by sub-15 paragraph (3) if – the application for the extension is an application for an extension by a period that is shorter than is so required; or the judicial authority is satisfied that there are special circumstances that would make it inappropriate for the 20 period of the extension to be as long as the period so required." (6) For paragraph 37 (release of detained person) substitute – "37 (1) This paragraph applies where – a person ('the detained person') is detained by virtue of a warrant issued under this Part of this Schedule; and 25 his detention is not authorised by virtue of section 41(5) or (6) or otherwise apart from the warrant. (2) If it at any time appears to the police officer or other person in charge of the detained person's case that any of the matters mentioned in paragraph 32(1)(a) and (b) on which the judicial authority last 30 authorised his further detention no longer apply, he must if he has custody of the detained person, release him immediately; and if he does not, immediately inform the person who does have custody of the detained person that those matters no longer 35 apply in the detained person's case. (3) A person with custody of the detained person who is informed in

#### 20 **Grounds for extending detention**

In Schedule 8 to the Terrorism Act 2000 (c. 11), in paragraph 23(1) (grounds on which a review officer may authorise continued detention), after paragraph (b) insert -

his case must release that person immediately."

pending the result of an examination or analysis of any relevant evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining relevant evidence;".

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accordance with this paragraph that those matters no longer apply in

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(5) In paragraph 2 (warrants as to which special conditions are satisfied), in subparagraph (1), after "an application" insert "for a specific premises warrant".

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(6)	After that paragraph insert —
	"2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and —

- (a) the application is made by a police officer of at least the rank of superintendent, and
- (b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).
- (2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).
- (3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—
  - (a) in respect of premises which are not residential premises, and
  - (b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) 'residential premises', in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling."

- (7) In paragraph 11 (applications for search warrants involving excluded or special procedure material), in sub-paragraph (2)(a), for "the premises specified in the warrant" substitute "premises mentioned in sub-paragraph (3A)".
- (8) After sub-paragraph (3) of that paragraph insert
  - "(3A) The premises referred to in sub-paragraph (2)(a) are –

(a) one or more sets of premises specified in the application (in which case the application is for a 'specific premises warrant'); or

- (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an 'all premises warrant')."
- (9) In paragraph 12 (grant of applications where excluded or special procedure material is involved), in each of sub-paragraphs (1) and (2), after "an application" insert "for a specific premises warrant".
- (10) After sub-paragraph (2) of that paragraph insert
  - "(2A) A Circuit judge or a District Judge (Magistrates' Courts) may grant an application for an all premises warrant under paragraph 11 if satisfied—
    - (a) that an order made under paragraph 5 has not been complied with, and
    - (b) that the person specified in the application is also specified in the order.
  - (2B) A Circuit judge or a District Judge (Magistrates' Courts) may also grant an application for an all premises warrant under paragraph 11 if satisfied that there are reasonable grounds for believing —

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	<ul><li>(a) that there is material on premises to which the application relates which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and</li><li>(b) that the conditions in sub-paragraphs (3) and (4) are met."</li></ul>	5	
(11)	In sub-paragraph (4)(b) of that paragraph, for "the premises on which the material is situated" substitute "premises to which the application for the warrant relates".		
22	Search, seizure and forfeiture of terrorist publications		
(1)	If a justice of the peace is satisfied that there are reasonable grounds for suspecting that articles to which this section applies are likely to be found in any premises, he may issue a warrant authorising a constable—  (a) to enter and search the premises; and  (b) to seize anything found there which the constable has reason to believe	10	
(2)	is such an article.	15	
(2)	This section applies to an article if —  (a) it is likely to be the subject of conduct mentioned in subsection (1)(a) to  (e) of section 3; and		
	(b) it would fall for the purposes of that section to be treated, in the context of the conduct to which it is likely to be subject, as a terrorist publication.	20	
(3)	A person exercising a power conferred by a warrant under this section may use such force as is reasonable in the circumstances for exercising that power.		
(4)	<ul> <li>An article seized under the authority of a warrant under this section –</li> <li>(a) may be removed by a constable to such place as he thinks fit; and</li> <li>(b) must be retained there in the custody of a constable until returned or otherwise disposed of in accordance with this Act.</li> </ul>	25	
(5)	<ul> <li>An article so seized that is an article to which this section applies –</li> <li>(a) shall be liable to forfeiture; and</li> <li>(b) if forfeited, may be disposed of by a constable in whatever manner he thinks fit.</li> </ul>	30	
(6)	In Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers which relate to the seizure of property in bulk) —  (a) in Part 1, at the end insert —		
	"73H The power of seizure conferred by section 22 of the Terrorism Act 2005."	35	
	(b) in Part 3, at the end insert —		
	"113 The power of seizure conferred by section 22 of the Terrorism Act 2005."		
(7)	Nothing in—  (a) the Police (Property) Act 1897 (c. 30) (property seized in the investigation of an offence), or	40	
	(b) section 31 of the Police (Northern Ireland) Act 1998 (c. 32) (which makes similar provision in Northern Ireland),		
	applies to an article seized under the authority of a warrant under this section.	45	

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- (8) Schedule 2 (which makes provision about the forfeiture of articles to which this section applies) has effect.
- (9) In this section
  - "article" has the same meaning as in section 3 of this Act;
  - "forfeited" means treated or condemned as forfeited under Schedule 2, and "forfeiture" is to be construed accordingly;
  - "premises" has the same meaning as in the Police and Criminal Evidence Act 1984 (c. 60) (see section 23 of that Act).

# 23 Power to search vehicles under Schedule 7 to the Terrorism Act 2000 (c. 11)

- In paragraph 8 of Schedule 7 to the Terrorism Act 2000 (search of a person at a port or in the border area to ascertain if he is involved in terrorism), after subparagraph (1)(d) insert
  - "(e) search a vehicle which is on a ship or aircraft;
  - (f) search a vehicle which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft."

# 24 Extension to internal waters of authorisations to stop and search

- (1) Section 44 of the Terrorism Act 2000 (authorisations for stop and search) is amended as follows.
- (2) After subsection (4) insert
  - "(4ZA) The power of a person mentioned in subsection (4) to give an authorisation specifying an area or place so mentioned includes power to give such an authorisation specifying such an area or place together with—
    - (a) the internal waters adjacent to that area or place; or
    - (b) such area of those internal waters as is specified in the authorisation."
- (3) After subsection (5) insert
  - "(5A) In this section
    - 'driver', in relation to an aircraft, hovercraft or vessel, means the captain or pilot or any member of the crew and, in relation to a train, includes any member of the crew;
    - 'internal waters' means waters in the United Kingdom that are not comprised in any police area."
- (4) In section 45 of that Act (exercise of powers), after subsection (6) insert
  - "(7) In this section 'driver' has the same meaning as in section 44."

Other investigatory powers

# 25 Amendment of the Intelligence Services Act 1994 (c. 13)

- (1) The Intelligence Services Act 1994 is amended as follows.
- (2) In subsection (1) of section 6 (persons under whose hand a warrant to act

within the British Islands may be issued), after paragraph (c) insert "or in an urgent case where the Secretary of State has expressly authorised the issue of warrants in accordance with this paragraph by specified senior officials and a statement of that fact is endorsed on the warrant, under the hand of any of the 5 specified officials." (3) After that subsection insert – But a warrant issued in accordance with subsection (1)(d) may authorise the taking of an action only if the action is an action in relation to property which, immediately before the issue of the warrant, would, 10 if done outside the British Islands, have been authorised by virtue of an authorisation under section 7 that was in force at that time. (1B) A senior official who issues a warrant in accordance with subsection (1)(d) must inform the Secretary of State about the issue of the warrant 15 as soon as practicable after issuing it." In subsection (2)(b) of that section (duration of warrants issued by senior officials), for "second" substitute "fifth". In subsection (6)(b) of section 7 (duration of authorisations to act outside the British Islands that are issued by senior officials), for "second" substitute "fifth". 20 After subsection (9) of that section insert — Where a person is authorised by virtue of this section to do an act outside the British Islands in relation to property, the act is one which, in relation to property within the British 25 Islands, is capable of being authorised by a warrant under section 5, a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and 30 (d) the act is done in circumstances falling within subsection (11) or this section shall have effect as if the act were done outside the British Islands in relation to that property. An act is done in circumstances falling within this subsection if it is 35 done in relation to the property at a time when it is believed to be outside the British Islands. (12)An act is done in circumstances falling within this subsection if it is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation 40 under this section was given or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but is done before the end of the fifth working day after the day on

becomes known.

which the presence of the property in the British Islands first

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- (13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time —

  (a) that the belief that the property was outside the British Islands was mistaken; or
  (b) that the property is within those Islands.
- (14) In subsection (13) 'the relevant time' means, as the case may be—
  - (a) the time of the mistaken belief mentioned in subsection (12)(a); or
  - (b) the time at which the property was, or was most recently, brought within the British Islands."

# 26 Interception warrants

- (1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.
- (2) In section 9(6) (period for which interception warrants can be issued or renewed), after paragraph (a) insert
  - "(ab) in relation to an unrenewed warrant which is endorsed under the hand of the Secretary of State with a statement that the issue of the warrant is believed to be necessary on grounds falling within section 5(3)(a) or (c), means the period of six months beginning with the day of the warrant's issue;".
- (3) For subsection (6) of section 10 (prohibition on modification of scheduled parts of warrant by the person to whom the warrant is addressed or his subordinates) substitute—
  - "(6) Subsection (4) authorises the modification of the scheduled parts of an interception warrant under the hand of a senior official who is either—
    - (a) the person to whom the warrant is addressed, or
    - (b) a person holding a position subordinate to that person, only if the applicable condition specified in subsection (6A) is satisfied and a statement that the condition is satisfied is endorsed on the modifying instrument.
  - (6A) The applicable condition is
    - (a) in the case of an unrenewed warrant, that the warrant is endorsed with a statement that the issue of the warrant is believed to be necessary in the interests of national security; and
    - (b) in the case of a renewed warrant, that the instrument by which it was last renewed is endorsed with a statement that the renewal is believed to be necessary in the interests of national security."
- (4) In subsection (9)(b) (modifications made otherwise than by Secretary of State ceasing to have effect after five days), after "(5A)(b)" insert ", (6)".
- (5) In section 16 (extra safeguards in the case of certificated warrants)
  - (a) in subsection (3)(b) (exception for communications sent during a specified three month period), for "a period of not more than three months specified in the certificate" substitute "a period specified in the certificate that is no longer than the permitted maximum"; and

	(b)	in subsection (5)(c) (exception for material selected before the end of the first working day after a relevant change of circumstances), for the words from "the first working day" onwards substitute "the permitted period".	!
(6)	After	subsection (3) of that section insert—	5
	"(3A)	<ul> <li>In subsection (3)(b) 'the permitted maximum' means —</li> <li>(a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, six months; and</li> <li>(b) in any other case, three months."</li> </ul>	
(7)	After	subsection (5) of that section insert—	
	"(5A)	<ul> <li>In subsection (5)(c) 'the permitted period' means —</li> <li>(a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, the period ending with the end of the fifth working day after it first appeared as mentioned in subsection (5)(a) to the person to whom the warrant is addressed; and</li> <li>(b) in any other case, the period ending with the end of the first working day after it first so appeared to that person."</li> </ul>	15
27	Disclos	sure notices for the purposes of terrorist investigations	20
(1)	(inves	ction 60 of the Serious Organised Crime and Police Act 2005 (c. 15) stigatory powers of DPP etc.), in subsection (1), after "applies" insert "or nection with a terrorist investigation".	
(2) After subsection (6) insert –		subsection (6) insert —	
	"(7)	<ul> <li>In this Chapter 'terrorist investigation' means an investigation of —</li> <li>(a) the commission, preparation or instigation of acts of terrorism,</li> <li>(b) any act or omission which appears to have been for the purposes of terrorism and which consists in or involves the commission preparation or instigation of an offence, or</li> <li>(c) the commission, preparation or instigation of an offence under the Terrorism Act 2000 (c. 11) or under Part 1 of the Terrorism Act 2005."</li> </ul>	30
(3)	In sec	tion 62 of that Act (disclosure notices), insert—	
	"(1A)	If it appears to the Investigating Authority —  (a) that any person has information (whether or not contained in a document) which relates to a matter relevant to a terrorist investigation, and	
		(b) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation,	L
		he may give, or authorise an appropriate person to give, a disclosure notice to that person."	<b>!</b>

(4) In section 70(1) of that Act (interpretation of Chapter 1) —

(1)

	(a)	before the definition of "appropriate person" insert –	
		"act of terrorism' includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (c. 11) (see section 1(5) of that Act);"	5
	(b)	after the definition of "document" insert –	
	` '	"terrorism' has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act);	
		'terrorist investigation' has the meaning given by section 60(7)."	10
		Definition of terrorism etc.	
28	Amend	ment of the definition of "terrorism" etc.	
	In eac	n of —	
	(a) (b)	section 1(1)(b) of the Terrorism Act 2000 (under which actions and threats designed to influence a government may be terrorism), and section 113(1)(c) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (offence of using noxious substances or things to influence a government or to intimidate),	15
	after "	government" insert "or an international governmental organisation".	
		Other amendments	20
29	Applica	ations for extended detention of seized cash	
(1)	2001 (	agraph 3 of Schedule 1 to the Anti-terrorism, Crime and Security Act application relating to period of detention of seized terrorist cash), after aragraph (3) insert —	
	"(3	A) An application made to a justice of the peace for an order under sub- paragraph (2) —	25
		(a) may be made and heard without notice of the application or hearing having been given to any of the persons affected by the application or to the legal representative of such a person, and	30
		(b) may be heard and determined in private in the absence of persons so affected and of their legal representatives."	
(2)	This s	ection applies to applications made after the commencement of this n.	
		PART 3	35
		SUPPLEMENTAL PROVISIONS	
30	Review	of terrorism legislation	

The Secretary of State must appoint a person to review the operation of the provisions of the Terrorism Act 2000 and of Part 1 of this Act.

- That person may, from time to time, carry out a review of those provisions and, where he does so, must send a report on the outcome of his review to the Secretary of State as soon as reasonably practicable after completing the review. 5 That person must carry out and report on his first review under this section before the end of the period of 12 months after the laying before Parliament of the last report to be so laid under section 126 of the Terrorism Act 2000 before the passing of this Act. That person must carry out and report on a review under this section at least 10 once in every twelve month period ending with an anniversary of the end of the twelve month period mentioned in subsection (3). On receiving a report under this section, the Secretary of State must lay a copy of it before Parliament. The Secretary of State may, out of money provided by Parliament, pay a person appointed to carry out a review under this section, both his expenses and also such 15 allowances as the Secretary of State determines. 31 Consequential amendments and repeals In section 32(e) of the Terrorism Act 2000 (c. 11) (meaning of "terrorist investigation"), after "offence under this Act" insert "or under Part 1 of the Terrorism Act 2005 other than an offence under section 3 of that Act". 20 In section 117 of that Act (consents to prosecutions), for subsection (3) substitute -"(2A) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies has been committed for a purpose wholly or partly 25 connected with the affairs of a country other than the United Kingdom, his consent for the purposes of this section may be given only with the concurrence in the case of the Director of Public Prosecutions, of the 30 Attorney General; and in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland. 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 (2A) 35 to the Advocate General for Northern Ireland is to be read as a
  - "Terrorism Act 2005
    - Offences under Part 1 of the Terrorism Act 2005 (terrorism-related offences) subject to note 1 below."
  - (4) The enactments listed in column 1 of Schedule 3 are repealed to the extent set out in column 2 of that Schedule.

reference to the Attorney General for Northern Ireland."

In Part 1 of Schedule 9 to that Act (scheduled offences), at the end insert –

# 32 Expenses

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of such money under any other Act.

# 33 Short title, commencement and extent

(1) This Act may be cited as the Terrorism Act 2005.

- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) An order made under subsection (2) may make different provision for different purposes.
- (4) An amendment or repeal by this Act of another enactment has the same extent as the enactment amended or repealed.
- (5) Subject to section 13(6) and to subsection (4) of this section, this Act extends to the whole of the United Kingdom.

# SCHEDULES

		SCHEDULE 1 Section 16	
		CONVENTION OFFENCES	
Expl	osive	offences	
1	(1)	Subject to sub-paragraph (3), an offence under any of sections 28 to 30 of the Offences against the Person Act 1861 (c. 100) (causing injury by explosions, causing explosions and handling or placing explosives).	5
	(2)	Subject to sub-paragraph (3), an offence under any of the following provisions of the Explosive Substances Act 1883 (c. 3) —  (a) section 2 (causing an explosion likely to endanger life);  (b) section 3 (preparation of explosions);  (c) section 5 (ancillary offences).	10
	(3)	An offence in or as regards Scotland is a Convention offence by virtue of this paragraph only if it consists in —  (a) the doing of an act as an act of terrorism; or  (b) an action for the purposes of terrorism.	15
Biolo	gical	weapons	
2		An offence under section 1 of the Biological Weapons Act 1974 (c. 6) (development etc. of biological weapons).	
Offer	ices a	gainst internationally protected persons	20
3	(1)	Subject to sub-paragraph (4), an offence mentioned in section 1(1)(a) of the Internationally Protected Persons Act 1978 (c. 17) (attacks against protected persons committed outside the United Kingdom) which is committed (whether in the United Kingdom or elsewhere) in relation to a protected person.	25
	(2)	Subject to sub-paragraph (4), an offence mentioned in section 1(1)(b) of that Act (attacks on relevant premises etc.) which is committed (whether in the United Kingdom or elsewhere) in connection with an attack—  (a) on relevant premises or on a vehicle ordinarily used by a protected person, and  (b) at a time when a protected person is in or on the premises or vehicle.	30
	(3)	Subject to sub-paragraph (4), an offence under section 1(3) of that Act (threats etc. in relation to protected persons).	
	(4)	An offence in or as regards Scotland is a Convention offence by virtue of this paragraph only if it consists in —	35

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- (a) the doing of an act as an act of terrorism; or
- (b) an action for the purposes of terrorism.
- (5) Expressions used in this paragraph and section 1 of that Act have the same meanings in this paragraph as in that section.

Hostage-taking 5

An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

Hijacking and other offences against aircraft

- 5 Offences under any of the following provisions of the Aviation Security Act 1982 (c. 36)
  - (a) section 1 (hijacking);
  - (b) section 2 (destroying, damaging or endangering safety of aircraft);
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
  - (d) section 6(2) (ancillary offences).

Offences involving nuclear material

- 6 (1) An offence mentioned in section 1(1) of the Nuclear Material (Offences) Act 1983 (c. 18) (offences in relation to nuclear material committed outside the United Kingdom) which is committed (whether in the United Kingdom or elsewhere) in relation to or by means of nuclear material.
  - (2) An offence under section 2 of that Act (offence involving preparatory acts and threats in relation to nuclear material).
  - (3) In this paragraph "nuclear material" has the same meaning as in that Act.

Offences under the Aviation and Maritime Security Act 1990 (c. 31)

- 7 Offences under any of the following provisions of the Aviation and 25 Maritime Security Act 1990
  - (a) section 1 (endangering safety at aerodromes);
  - (b) section 9 (hijacking of ships);
  - (c) section 10 (seizing or exercising control of fixed platforms);
  - (d) section 11 (destroying ships or fixed platforms or endangering their safety);
  - (e) section 12 (other acts endangering or likely to endanger safe navigation);
  - (f) section 13 (offences involving threats relating to ships or fixed platforms);
  - (g) section 14 (ancillary offences).

Offences involving chemical weapons

8 An offence under section 2 of the Chemical Weapons Act 1996 (c. 6) (use, development etc. of chemical weapons).

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- An offence under any of the following provisions of the Terrorism Act 2000 (c. 11)
  - (a) section 15 (terrorist fund-raising);
  - (b) section 16 (use or possession of terrorist funds);
  - (c) section 17 (funding arrangements for terrorism);
  - (d) section 18 (money laundering of terrorist funds).

# Directing terrorist organisations

An offence under section 56 of the Terrorism Act 2000 (directing a terrorist organisation).

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# Offences involving nuclear weapons

An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (use, development etc. of nuclear weapons).

# Conspiracy etc.

12 Any of the following offences –

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- (a) conspiracy to commit a Convention offence;
- (b) inciting the commission of a Convention offence;
- (c) attempting to commit a Convention offence.

#### **SCHEDULE 2**

Section 22

# SEIZURE AND FORFEITURE OF TERRORIST PUBLICATIONS

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#### *Application of Schedule*

- 1 This Schedule applies where an article
  - (a) has been seized under the authority of a warrant under section 22; and
  - (b) is being retained in the custody of a constable ("the relevant constable").

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#### Notice of seizure

- 2 (1) The relevant constable must give notice of the article's seizure to—
  - (a) every person whom he believes to have been the owner of the article, or one of its owners, at the time of the seizure; and

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- (b) if there is no such person or it is not reasonably practicable to give him notice, every person whom the relevant constable believes to have been an occupier at that time of the premises where the article was seized.
- (2) The notice must set out what has been seized and the grounds of the seizure.
- (3) The notice may be given to a person only by
  - (a) delivering it to him personally;

Schedule 2 - Seizure and Forfeiture of Terrorist Publications addressing it to him and leaving it for him at the appropriate address; or addressing it to him and sending it to him at that address by post. (4) But where it is not practicable to give a notice in accordance with subparagraph (3), a notice given by virtue of sub-paragraph (1)(b) to the 5 occupier of the premises where the article was seized may be given by – addressing it to "the occupier" of those premises, without naming leaving it for him at those premises or sending it to him at those 10 premises by post. (5) An article may be treated or condemned as forfeited under this Schedule only if — (a) the requirements of this paragraph have been complied with in the case of that article; or it was not reasonably practicable for them to be complied with. 15 (6) In this paragraph "the appropriate address", in relation to a person, means except in the case of a body corporate, his usual or last known place of residence in the United Kingdom or his last known place of business in the United Kingdom; or in the case of a body corporate, its registered or principal office in the 20 United Kingdom. Notice of claim (1) A person claiming that the seized article is not liable to forfeiture may give notice of his claim to a constable at any police station in the police area in 25 which the premises where the seizure took place are located. (2) Oral notice is not sufficient for these purposes. (1) A notice of claim may not be given more than one month after the day of the giving of the notice of seizure; or if no such notice has been given, the day of the seizure. (2) A notice of claim must specify – 30 the name and address of the claimant; and in the case of a claimant who is outside the United Kingdom, the name and address of a solicitor in the United Kingdom who is authorised to accept service, and to act, on behalf of the claimant. (3) Service upon a solicitor so specified is to be taken to be service on the 35 claimant for the purposes of any proceedings by virtue of this Schedule.

(4) In a case in which notice of the seizure was given to different persons on different days, the reference in this paragraph to the day on which that

day on which that notice was given to that person; and

was given to the last person to be given such a notice.

in relation to a person to whom notice of the seizure was given, the

in relation to any other person, the day on which notice of the seizure

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notice was given is a reference –

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# Automatic forfeiture in a case where no claim is made

- 5 The article is to be treated as forfeited if, by the end of the period for the giving of a notice of claim in respect of it—
  - (a) no such notice has been given; or
  - (b) the requirements of paragraphs 3 and 4 have not been complied with in relation to the only notice or notices of claim that have been given.

# Forfeiture by the court in other cases

- 6 (1) Where a notice of claim in respect of an article is duly given in accordance with paragraphs 3 and 4, the relevant constable must decide whether to take proceedings to ask the court to condemn the article as forfeited.
  - (2) The decision whether to take such proceedings must be taken as soon as reasonably practicable after the giving of the notice of claim.
  - (3) If the relevant constable takes such proceedings and the court
    - (a) finds that the article was liable to forfeiture at the time of its seizure, and
    - (b) is not satisfied that its forfeiture would be unjust, the court must condemn the article as forfeited.
  - (4) If that constable takes such proceedings and the court
    - (a) finds that the article was not liable to forfeiture at the time of its seizure, or
    - (b) is satisfied that its forfeiture would be unjust, the court must order the return of the article to the person who appears to the court to be entitled to it.
  - (5) If the relevant constable decides not to take proceedings for condemnation in a case in which a notice of claim has been given, he must return the article to the person who appears to him to be the owner of the article, or to one of the persons who appear to him to be owners of it.
  - (6) An article required to be returned in accordance with sub-paragraph (5) must be returned as soon as reasonably practicable after the decision not to take proceedings for condemnation.

## Forfeiture proceedings

- Proceedings by virtue of this Schedule are civil proceedings and may be instituted—
  - (a) in England or Wales, either in the High Court or in a magistrates' court;
  - (b) in Scotland, either in the Court of Session or in the sheriff court; and
  - (c) in Northern Ireland, either in the High Court or in a court of summary jurisdiction.
- 8 Proceedings by virtue of this Schedule in
  - (a) a magistrates' court in England or Wales,
  - (b) the sheriff court in Scotland, or
  - (c) a court of summary jurisdiction in Northern Ireland, may be instituted in that court only if it has jurisdiction in relation to the place where the article to which they relate was seized.

9	(1)	In proceedings by virtue of this Schedule that are instituted in England and Wales or Northern Ireland, the claimant or his solicitor must make his oath that, at the time of the seizure, the seized article was, or was to the best of his knowledge and belief, the property of the claimant.		
	(2)	<ul> <li>In any such proceedings instituted in the High Court —</li> <li>(a) the court may require the claimant to give such security for the costs of the proceedings as may be determined by the court; and</li> <li>(b) the claimant must comply with any such requirement.</li> </ul>		
	(3)	If a requirement of this paragraph is not complied with, the court must find against the claimant.		
10	(1)	In the case of proceedings by virtue of this Schedule that are instituted in a magistrates' court in England or Wales, either party may appeal against the decision of that court to the Crown Court.		
	(2)	In the case of such proceedings that are instituted in a court of summary jurisdiction in Northern Ireland, either party may appeal against the decision of that court to the county court.		
	(3)	This paragraph does not affect any right to require the statement of a case for the opinion of the High Court.		
11		Where an appeal has been made (whether by case stated or otherwise) against the decision of the court in proceedings by virtue of this Schedule in relation to an article, the article is to be left in the custody of a constable pending the final determination of the matter.		
Effect	t of fo	orfeiture		
12		Where an article is treated or condemned as forfeited under this Schedule, the forfeiture is to be treated as having taken effect as from the time of the seizure.		
Dispo	osal c	of unclaimed property		
13	(1)	This paragraph applies where the article seized under the authority of a warrant under section 22 is required to be returned to a person.		
	(2)	If —  (a) the article is (without having been returned) still in the custody of a constable after the end of the period of 12 months beginning with the day after the requirement to return it arose, and		
		(b) it is not practicable to dispose of the article by returning it immediately to the person to whom it is required to be returned, the constable may dispose of it in any manner he thinks fit.		
Provi	sion	s as to proof		
14		In proceedings arising out of the seizure of an article, the fact, form and manner of the seizure is to be taken, without further evidence and unless the contrary is shown, to have been as set forth in the process.		
15		In proceedings, the condemnation by a court of an article as forfeited under this Schedule may be proved by the production of either —		

(a) the order or certificate of condemnation; or

a certified copy of the order purporting to be signed by an officer of the court by which the order or certificate was made or granted.

Specia	al pr	visions as to certain claimants	
16	(1)	This paragraph applies where, at the time of the seizure of the article, it was—  (a) the property of a body corporate; (b) the property of two or more partners; or (c) the property of more than five persons.	5
	(2)	The oath required by paragraph 9, and any other thing required by this Schedule or by rules of court to be done by an owner of the article, may be sworn or done by—  (a) a person falling within sub-paragraph (3); or  (b) a person authorised to act on behalf of a person so falling.	10
	(3)	The persons falling within this sub-paragraph are—  (a) where the owner is a body corporate, the secretary or some duly authorised officer of that body;  (b) where the owners are in portporable any one or more of the owners.	15
		<ul><li>(b) where the owners are in partnership, any one or more of the owners;</li><li>(c) where there are more than five owners and they are not in partnership, any two or more of the owners acting on behalf of themselves and any of their co-owners who are not acting on their own behalf.</li></ul>	20
Savin	g foi	owner's rights	
17		Neither the imposition of a requirement by virtue of this Schedule to return an article to a person nor the return of an article to a person in accordance with such a requirement affects —  (a) the rights in relation to that article of any other person; or  (b) the right of any other person to enforce his rights against the person to whom it is returned.	25
Interp	oreta	ion of Schedule	
18		In this Schedule —  "article" has the same meaning as in section 3;  "the court" is to be construed in accordance with paragraph 7.	30

# SCHEDULE 3

Section 31

# REPEALS

Short title and chapter	Extent of repeal	35
Terrorism Act 2000 (c. 11)	In section 5(4), the words "by or in respect of an organisation". In section 9(4), the word "and" at the end of paragraph (b). In section 63A(1)(b), the words "section 54 or".	40

Short title and chapter	Extent of repeal	
Terrorism Act 2000 (c. 11)— cont.	Section 126. In Schedule 5, in paragraph 1(5), the "and" at the end of paragraph (b).	
Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 7, paragraph 35.	5
Criminal Justice Act 2003 (c. 44)	Section 306(2) and (3).	