

REPORT ON THE OPERATION IN 1997 OF THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989

BY J J ROWE QC





The Right Honourable Jack Straw MP Secretary of State for the Home Department

16 February 1998

Dear Secretary of State,

I have completed my review for 1997 of the operation of the Prevention of Terrorism (Temporary Provisions) Act 1989, and the report of that review is with this letter.

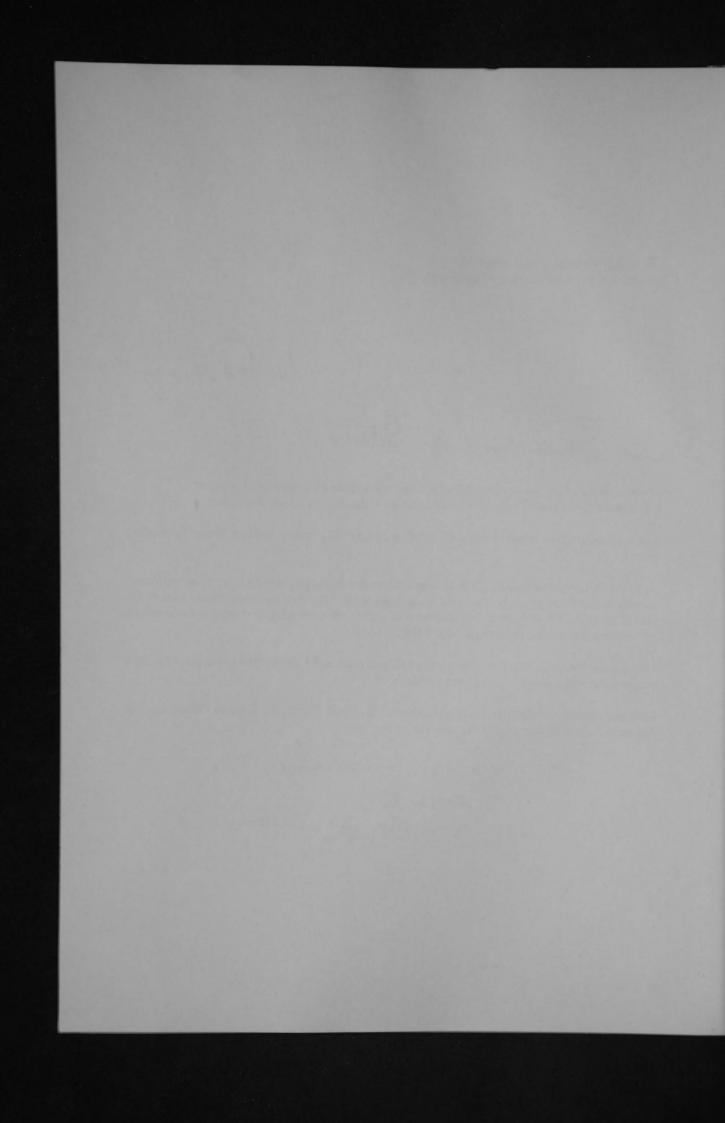
I have considered two things: has the Act been used fairly and properly, and is it needed for another year.

As to the first, my clear conclusion is that those who exercise the powers of the Act do so with care, as well as fairly and properly. As to the second, my view is that there is a continuing need of the provisions of the Act, in order to deal with terrorist activity, and the threat of it, both as to the affairs of Northern Ireland and the international field.

I have made the usual enquiries, and some additional ones; and I am grateful to people who have suggested new questions or a different approach.

Officials in the three departments of government, the Home Office, the Scottish Office, and the Northern Ireland Office, have given me every assistance.

Tours sincerely,



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INTRODUCTION

1. This is my report about the working, during 1997, of the Prevention of Terrorism (Temporary Provisions) Act 1989; it is a review of the exercise of the statutory powers. The provisions of the Act expire at the end of one year, unless they are continued by an order made by statutory instrument; and when Parliament debates the renewal it asks to be informed, in a report such as this, of the way in which the Act has been used during the year. I shall refer to the Act as the PTA. (Occasionally I mention the Northern Ireland (Emergency Provisions) Act 1996, and I refer to it as "the EPA").

Terms of Reference

- 2. I must consider first whether the Act is needed for a further year, and second, whether its powers have been used fairly and carefully in the past year, and whether there has been any particular pattern or change in their use.
- 3. These terms of reference may be found in the letters of the Secretaries of State to my predecessor, His Honour Judge Viscount Colville of Culross QC, and myself. They also are to be found in the Official Report of the House of Lords debate of 8th March 1984, where the intention of Parliament was clearly set out: the reviewer should make detailed enquiries, and if necessary see material which might be too sensitive to repeat in the report, but which would assist him to reach a conclusion.

The work of the Review

- 4. I keep the two terms of reference well in mind. For the first the continuing need for the Act I pay attention to the facts and circumstances relating to terrorism; I rely upon what I see or what I am told. If there is evidence of terrorist activity, or the threat of it, that evidence has a real bearing upon the question whether the Act is needed. Thus I place early in this review my chapters about the situation in Northern Ireland and in international affairs, and rely heavily upon the descriptions in those chapters for my conclusion: and that conclusion is set out in Chapter 14, and it is to the effect that the Act is needed for another year.
 - I wish to make something clear. I do indeed look at documents referring to individual cases, and I ask questions about them and I offer and receive comments. My purpose is to carry out checks which may detect unfairness or error in the use of the powers. I shall describe those checks when I examine the powers in detail. And the persons who carry out the powers of the PTA know that I make checks during the course of my review. I do not operate an appeal procedure; I do not approve or disapprove individual instances of the use of the powers under the Act.
 - 6. Generally speaking I seek out the persons whom I wish to interview, rather than the other way round. That is the practice which has developed. I know the people or departments at whose documents I must look, or whose experience of the powers is

important. I make appointments to visit them, often sending in advance a written set of questions and topics. On my arrival I read the documents or files, and speak to the persons who have compiled or written them. I speak to the junior people as well as the senior ones.

It is known that I carry out this review each year, and people expect to be asked questions about their work and about how they exercise the powers of the Act. Some departments keep records simply because there is a review.

- 7. Quite apart from those persons who have duties under the PTA there are those who wish to express their views about it; I seek them out and visit them.
- 8. During 1997 and 1998 I made the visits referred to in Appendices A and B, and I received information and views from the various persons, offices, and departments referred to in Appendix C. I made visits to Northern Ireland on regular occasions and kept myself acquainted with the situation there.

Especial scrutiny

9. The PTA makes inroads upon civil rights; there are offences which are unusual, and there are powers which are larger than ordinary. It seems to me that I should pay especial attention to the powers. The powers of the PTA which call for special scrutiny are as follows; -

s 4, exclusion orders;

s13A, stop and search vehicles;

s13B, stop and search pedestrians;

s14, arrest and detention and extension of detention;

s16 and Schedule 5, port examinations;

s16C, cordons;

s16D, parking restrictions;

s13 and s17 and Schedules 4 and 7, forfeiture and restraint, production and explanation orders.

Future legislation

10. The government has announced that a consultation paper will be published to consider what legislation is necessary in the future to provide measures for the prevention of terrorism. But that exercise will not affect this PTA, which will expire unless there is a renewal order.

HUMAN RIGHTS

- 11. At the time of the writing of this report the Human Rights Bill has not been enacted; it is intended to give further effect in domestic law to rights and freedoms guaranteed under the European Convention of Human Rights (ECHR) which was signed in Rome in November 1950 and which came into force in September 1953; the United Kingdom was the first nation to ratify it.
- 12. The ECHR already requires national laws and procedures to comply with certain principles and standards which guard the rights of individuals. Of especial relevance are ECHR Article 5, dealing with arrest and detention, Article 6, trial, and Article 8, right to respect for private life, home and correspondence, and I mention them because they come to mind when one is looking at the provisions of the PTA. And my meaning is this: when a particular provision of the PTA is analysed, it may be judged by comparing it with at least one of the above Articles; thus:-

i)	exclusion orders, compare with	Article 5;
ii)	s13A and 13B,	Article 5;
iii)	s14 arrest,	Article 5;
iv)	extension of detention,	Article 5;
v)	s16 and Schedule 5,	Article 5;
vi)	production orders,	Article 8;

- 13. I do not assert that breaches actually exist in these examples (save that I recognize that in Brogan v U K (1988) series A no. 145 B it was held that there were breaches of Article 5(3) when four people were detained for at least four days and six hours). But when I look to see whether the Act has been operated fairly and properly, I have in my mind these provisions of the ECHR.
- 14. In the future it may be necessary to make the comparison of PTA sections with ECHR Articles, and to go further and to judge whether a section is in breach of an Article; particularly if the Human Rights Bill is enacted with sections similar to clause 3 (primary legislation must be read and given effect in a way which is compatible with the Convention rights), or clause 4, (certain courts may make a declaration that a provision of a statute is incompatible with the Convention) or clause 19, (a Minister of the Crown must before a Second Reading of a Bill make a statement of compatibility, or a statement that although he is unable to make such a statement the government nevertheless wishes the House to proceed with the Bill).

THE SITUATION IN NORTHERN IRELAND

- 15. The point about this Chapter and the next one is to look at the factual situation: I ask the question, is there still terrorist activity, or the threat of it, and is the PTA needed for another year? "Terrorism" means "the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of it in fear". I bear in mind that ceasefires have been declared, and that substantive talks between parties have begun; but I must still look to see what violence there is, or what threat of it.
- 16. I am clear in my conclusion. Both in Northern Ireland and Great Britain there was terrorist activity in 1997 and it has continued in 1998. Furthermore the threat of it is real.
- 17. In 1997 the outward indications of it in Great Britain were the explosive devices which exploded or which were found before they exploded; and in Northern Ireland there were many incidents of violence, whether or not with explosives and firearms, and they have continued into 1998.
- 18. The terrorist organisations proscribed and otherwise are still in place: they have their structures, and they are busy at various activities. They have force enough to effect the intimidation of whole communities, and they do so.

It is known that arms and ammunition are moved about; people are watched and

targeted; buildings and places are the subject of reconnaissance. Houses are taken over under arms in order to use as a base for a crime, usually a paramilitary beating or shooting.

Fund raising, extortion, and racketeering schemes are a prolific source of revenue for individuals and organisations who resort to terrorism.

THE INTERNATIONAL SITUATION

- 19. Most of the provisions of the PTA apply to terrorism in the international field, and so I must look at the situation there. The summary is this. On the one hand there have not been any major incidents in the United Kingdom during 1997, such as explosions or shootings; on the other hand there have been persons here committed to supporting terrorist acts here or abroad, with arms and violence, and they are still a threat.
- 20. Members of foreign factions find a second home here, temporarily or permanently, and their aim is to destroy the regime in their home country, or to support it, as the case may be. They are prepared to carry out acts of terrorism in the United Kingdom, or in their home country. They pursue a course of vigorous fund raising, sometimes by extortion or intimidation, and the monies are sent home to support the cause.
- 21. This country is an attractive place to live. It has a reputation for toleration of dissidents, and radical debate; it offers asylum; and there is a great diversity of ethnic cultures. London in particular is seen as offering advantages: it is a capital city and one of the major cities of the world; it has a great financial market; it has a large media presence; it is placed at an important cross roads for travel; and there is a large diplomatic presence.
- 22. In Europe, and Asia, and Africa, factions are multiplying; they have their

representatives in the United Kingdom.

23. In all these circumstances the threat of terrorism here is a real one.

PROSCRIBED ORGANISATIONS

- 24. Proscription is simply this: it makes illegal an organisation, and membership of it, and support for it. And by appropriately drafted provisions it attacks meetings, assembly, correspondence, and discussion; in fact everything that comprises organisation and structure. That is the point of proscription in the PTA: and proscription itself is the foundation for some of the sections, such as sections 10 and 11, which attack the funding of terrorism.
- 25. Some organisations create their damage in Northern Ireland, some in Great Britain, some in both, and the PTA and the EPA together cover the whole ground.
- 26. Under the PTA the Secretary of State may by statutory instrument add to the list of proscribed organisations: this means the Act can deal with the changing situation, or indeed a change of name.

EXCLUSION ORDERS

- 27. The Secretary of State may exclude from the whole of the United Kingdom or a part thereof, anyone who he is satisfied is or has been concerned in the commission, preparation, or instigation of terrorism. Section 4 of the PTA states that he may exercise this power "in such a way as appears to him to be expedient to prevent acts of terrorism connected with the affairs of Northern Ireland".
- 28. The Secretary of State has announced that he is minded to allow the powers of exclusion to lapse, when the Act comes up for renewal, on the assumption that the security situation has not then changed; see the Official Report of 30th October 1997. There has been a decline in recent years in the use of exclusion orders. Their number has diminished, so that by the beginning of 1997 there were only 24 in force. During the year 3 were renewed; then in October all those still in existence were revoked.
- 29. I have read the files relating to each person who was the subject of an exclusion order, and this year, as in previous years, I saw the care which was applied by police officers and officials. I have seen the reports of the Advisers, who gave close attention to each case. This year, for the first time for many years, the Secretary of State acted in a direction contrary to the advice of an Adviser, in one case.

30. I have seen no improper use of the power of the exclusion order, this year or previously.

The effectiveness of exclusion orders

- 31. Police officers in Great Britain say that the power is of use in combating terrorism: and I have seen, in time past, two clear instances where an exclusion order deterred the excluded person from engaging in terrorist attacks in Great Britain.
- 32. In R v Secretary of State ex p Gallagher, The Times, 16.2.94, the Court of Appeal held that exclusion did not breach the terms of Article 48(3) of the EEC Treaty; but thereafter the European Court of Justice in the case, reported at The Times, 13.12.95, considered the procedure of exclusion orders, and in consequence the machinery of making them was altered so that before making an order the Secretary of State considers independent advice.
- 33. My own view is that the exclusion power is effective. And it has been used properly. What is "expedient" the word of section 4 is a matter which the Secretary of State has to consider. That is a word of some width; or, more accurately, a word which allows a wide interpretation. It was apparently expedient to make an order in June and to revoke it in October. I saw no evidence which made either the making or the revoking improper. But as to the future, the announcement that the power may be allowed to lapse will not deflect me from my view: the exclusion order is a useful part of the prevention of

terrorism machinery.

THE FUNDING OF TERRORISM: INVESTIGATION AND PENALTIES

34. On the investigation side there are : -

the disclosure facility under section 12;
searches under Schedule 7;
production orders under Schedule 7;
explanation orders under Schedule 7.

All of them apply to both terrorism connected with the affairs of Northern Ireland and to international terrorism.

Section 12

35. A person may disclose to the police a suspicion or belief that money or other property is, or is derived from, terrorist funds. And this section is being used more than ever. Banks and other institutions make regular disclosures, and there is a flow of information. What is it that raises a banker's suspicion? The answer is this: unusual circumstances often trigger the suspicion; it is not so much that a particular amount will attract attention, but rather the fact that a figure - of whatever amount - is out of the ordinary for the particular customer; or perhaps the manner of the payment is unusual.

Search

36. A warrant may be obtained from the court to search residential or, since 1996, non residential premises.

Production orders

- 37. A police officer may apply to a Circuit judge for an order that a person should produce material, if there is a terrorist investigation in progress, and there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation. There are penalties for disclosing the fact of the application or order. In Northern Ireland, if the Secretary of State is satisfied that an application to the court would, by disclosure, prejudice the investigation, he makes the order and not a judge.
- I have seen the Northern Ireland files, and it appears clear to me that the Royal Ulster Constabulary have taken care in stating the reasons for the applications, and I discussed them with police officers and officials. For the applications in Great Britain, I have discussed the machinery of these orders with the Metropolitan Police, who described their work.
- 39. Production orders are used regularly; there were over 150 during 1997, and there was a steady flow of them. A production order played a part in almost every terrorist investigation in Great Britain, and these related to both Northern Ireland and international terrorism. It must be remembered that the material caught by a production order need not be financial material: documents, photographs, video material, and records of local

authorities may be produced. Conversely where the production order is aimed at financial documents or material, the investigation need not be an enquiry into a fraud or the like; the details of a bank account may show a person's whereabouts at a particular time, or who are his associates.

40. Production orders were considered by the court in the case of R v Middlesex Guildhall, ex parte Salinger [1993] QB 564; the case is interesting for a review of procedure where there may be sensitive information which has to be placed before the court, and it has some relevance to the debate about the possibility of introducing judicial participation in the procedure of extension of detention.

Explanation orders

41. A Circuit judge may require a person to provide an explanation of material seized after a search, or produced by a production order. This too is a piece of machinery which has been used during 1997; and it follows from what I have said about production orders that it is not confined to financial investigations or financial material. In Northern Ireland the Secretary of State may make the order, in the same circumstances as I have described with regard to productions orders. I have looked at the relevant documents.

Penalties

42. Penalties on the financial side are to be found in; -

section 9: contributions to acts of terrorism; but the section also refers to

"property" which would include physical articles;

section 10: contributions to the resources of proscribed organisations;

section 11: assisting in the retention or control of terrorist funds;

section 13 and Schedule 4: restraint orders and forfeiture;

section 18A: failure to disclose knowledge or suspicion of offences under

sections 9, 10, and 11;

section 18 is similar, but it is not limited to those sections; failure to disclose.

There have been convictions in the recent past under sections 9 and 10.

The restraint order prohibits a person from dealing with property liable to forfeiture, that is, any property in respect of which a forfeiture order has been made or in respect of which such an order could be made in current of prospective proceedings for an offence; note the words "could", and "prospective". Hence the importance of sections 9,10,and 11. The order is made on the application of the prosecution; and it may be made on an ex parte application to a judge. A police officer may seize property the subject of an order, to prevent it being removed from the jurisdiction. I have seen the affidavits supporting the applications for restraint orders.

STOP AND SEARCH

Section 13A

- 43. Section 13A provides the power, in Great Britain, to stop and search vehicles and any driver and passenger, for any articles which could be used for terrorism. A senior police officer may authorise the power, when he considers it expedient to do so in order to prevent acts of terrorism: the authority is limited to an area, and to a period of 28 days: a constable may stop and search whether or not he has any grounds for suspecting the presence of any such articles.
- During 1997 section 13A was used in various parts of the country, and for periods which varied from a week to several continuous months, (the authority being renewed each time). I did not see the documents relating to each local police force which used section 13A: but I saw the records collected by the Metropolitan Police from each force, and they show the number of times section 13A has been used, and where. The Metropolitan Police ask the provincial forces to keep records, and those forces know that I ask, at the time of my review, about the reasons for the use of section 13A.
- 45. On at least one occasion of a section 13A stop, a terrorist article has been found.

Section 13B

- 46. This provides the power, in Great Britain, to stop and search pedestrians, for any article which could be used for terrorism. A senior police officer may authorise the power, when he considers it expedient to do so, in order to prevent terrorism. The authority is limited to an area, and endures for only 48 hours, unless it is confirmed by the Secretary of State in which case it may continue for 28 days; a constable may stop and search whether or not he has grounds for suspecting the presence of such an article.
- 47. In this case the relevant police force makes an application for the Secretary of State's confirmation. I have seen all the applications; the reasons for the application were fully stated; officials question the detail or ask for more; and length of time of the authority is judged with care. When an application stated that it is made "on intelligence", I could not know the precise details; but in all the applications there was other supporting information and evidence. And again, it is known that I review the power.
- 48. Section 13B was used in various parts of the country in 1997.

ARREST AND DETENTION

Section 14(1)(b) arrests

- 49. This subsection enables a police officer to arrest without a warrant when he has reasonable grounds for suspecting that a person is or has been concerned in the commission, preparation, or instigation of acts of terrorism to which the Act applies, namely, terrorism connected with the affairs of Northern Ireland or international terrorism. There is no requirement that the police officer should suspect any specific offence, and it is this aspect of section 14 that causes the real concern: the arrest may be made when there is no evidence of any particular offence.
- 50. It is with this in mind that I carry out my checks. I talk with police officers who make the arrests and with senior offices who have the conduct of operations and investigations. I also visit the police offices and stations where section 14(1)(b) detainees are taken, and I speak to custody officers. In Northern Ireland the EPA Code applies to such arrests.

During 1997, I calculated that the section was used on about 30 occasions in Great Britain, and on more than 500 in Northern Ireland. In circumstances of danger and the threat of terrorist acts, it is intended to forestall events: the police can literally prevent something happening.

Extension of detention

- 51. Section 14(4) provides that a person arrested under this section shall not be detained for more than 48 hours: and section 14(5) provides that the Secretary of State may extend that period by further periods which may not exceed 5 days in all: the person detained must be given notice of any application for such an extension.
- 52. In 1997 there were the following numbers of extensions:

in England and Wales, 9;

in Scotland, 0;

in Northern Ireland, 72.

I have read the files relating to each case.

Of the 72 in Northern Ireland the summary of lengths of extension is :-

4 x 1 day extension;

47 x 2 day extensions;

14 x 3 day extensions;

7 x 5 day extensions.

(Some of the extensions over 2 days were by way of repeat extensions).

Of those 72 cases there were 32 persons charged with a criminal offence. In England and Wales and in Scotland the length of extension in each case was 2 days.

53. In order to test whether the extension power was being used properly, I applied the checks which I habitually do. I asked myself:

- (i) was the original arrest truly a section 14 arrest, in the sense that it was connected with terrorism;
- (ii) was there some ground for the arrest; many of these arrests are stated to be "on reliable intelligence";
- (iii) what were the reasons for wanting an extension;
- (iv) was the length of the extension justified.
- 54. I shall deal with the paragraphs (i), (iii), and (iv) in due course. I dwell for a moment on (ii) . How far could I check the validity of an arrest made on the basis that, "on reliable intelligence", the defendant was connected with the offence? Those words, in quotation marks, are commonly found in the application for the extension. I do not ask to see the precise details of the intelligence. It is my belief that I do not see much less, if anything less, than other reviewers and Commissioners who have a duty to consider sensitive material. If I have misgivings about a case, I make some enquiries about the strength of it, raising the matter with senior police officers and officials in the relevant office Home Office, Scottish Office, or Northern Ireland Office and I discuss the case in general outline.
- I have this year applied the usual checks: of the 72 extensions in Northern Ireland, were arrests founded solely upon intelligence; some of the remainder were founded upon intelligence, but there was other information as well. Of those 3, 2 eventually resulted in criminal charges, which seems to show that the intelligence in those 2 cases had some substance.

When it is proposed to apply for an extension of detention, notice is given to the detained person, and on occasions he or she makes representations against the proposal. Questions have arisen about how to deal with these and how to take them into account, especially if, as has been the case, they are made after the Secretary of State has made the extension. Guidelines have been drawn up. I have read these; I have looked at the cases where representations have been made. I am satisfied that care has been taken.

Looking at the applications for extension, composed by the police, I thought that they had applied their minds to the number of days extension they wanted; so for example in a case where there were several persons arrested, and several hundred exhibits for scientific examination, more days extension were asked for than in the case of a single person detained. And I have seen occasions where enquiries were made of foreign police forces; or where computer disks had to be analysed; such cases take longer than others. Police forces are required by officials to justify their application. I have seen notes of their discussions, not only about the time applied for, but also the substance of the application - whether the original arrest could truly be said to be a section 14 arrest; whether appropriate legal procedures had been followed in the case of an injured man who was detained; and whether there was evidence further to that stated in the written application.

57. In the Northern Ireland files I noticed two cases where I thought that the detainee could have been charged, so that an extension was not necessary. I have discussed each case with the Northern Ireland Office, and I am satisfied that there was more information than I had seen, and the cases were handled properly. I have pointed out in my discussions that a detainee should be charged if and when the appropriate circumstances arise; always

remembering that the EPA Code, by paragraphs 11.8, 11.9, and 11.10 allow more latitude to the investigating police officer than do the provisions of the PACE Code.

Reasons for seeking an extension

58. The reasons which may justify an extension were listed conveniently by His Honour Judge Viscount Colville of Culross QC in his major review in 1987 (Cm 264 at paragraph 5.1.6). I set them out in Appendix E to this review.

One of them calls for a specific mention this year. "Forensic tests", meaning forensic science tests, quite comfortably covers

ESDA tests on handwriting;
resolution and clarification of CCTV films;
resolution of computer disks;
analysis of DNA.

I have come across these features, and I mention them for guidance. No addition to the list is needed for these things.

59. One reason for applying for an extension is the need to make financial enquiries: and it is becoming more common. I mentioned this last year. I suppose that it could come under "New lines of enquiry"; but I for my part would add it to the "Colville list", and I have no doubt that it is a valid cause for an extension of time.

Judicial participation in extension of detention

- 60. My view is that in principle there should be judicial participation in extension of detention. There is such under PACE, and it seems to me that the same should apply to arrests under section 14(1)(b). But I also hold the view that this is not yet possible, and for the following reason: it cannot yet be done in Northern Ireland, because the judges there cannot yet be asked to do this work. I travelled over the ground in my last review, at paragraphs 79 to 94, and I do not intend to repeat that discussion. I expressed the same view then as I do now.
 - 61. It has been suggested to me that there could be one system for Great Britain, where the judges would be involved, and another for Northern Ireland, where they would not, so that the Secretary of State would remain responsible. Of course, that would be physically possible, but in my view it would be inadvisable. The improvement would be taking place in Great Britain, but not in Northern Ireland, which is the very place where improvement is really wanted in the machinery of justice, in the sense of getting back to normal. The change would emphasise the fact that Northern Ireland had not achieved an improvement. And would it really be worth the change, and the adverse impression? The number of extensions in Great Britain has this year been barely more than a handful, as compared with 72 in Northern Ireland; even at the most violent periods the respective numbers were in the tens as against hundreds.

CHAPTER 10

PORT AND BORDER CONTROLS

The power to examine

- 62. Section 16 and Schedule 5 of the PTA enable police officers (and others) at ports to examine any person to determine whether he or she has been concerned in the commission, preparation, or instigation of acts of terrorism: and that refers both to acts of terrorism connected with the affairs of Northern Ireland and to international terrorism. There is no requirement of reasonable suspicion or belief: that is not a condition of an examination. The words of Schedule 5 are "for the purpose of determining whether" the person is connected with terrorism; and for the first 12 hours there is no requirement for the officer to have any suspicion of anything. There is power to detain, and the detention may be extended. An "examination" may last for only a few minutes: the majority are as short as that. There is power to search persons and baggage and vehicles.
- 63. These are wide powers, and it is worth citing some words which show how the court has considered them The case is to be found in Jellicoe, Cmnd 8803, paragraph 119: it is Re Boyle, O' Hare, and McAllister, 30.10.1980; Divisional Court, unreported:

Donaldson L J, as he then was said: -

"It follows that under Article 5...an officer has to satisfy himself of the only matter upon which he must be satisfied, namely, that the person whom he seeks to examine

is in the category of person where he can say to himself bona fide "I wish to find out whether this person [is or has been concerned in terrorism]". He does not have to have any grounds for thinking this, but merely that the person concerned shall be in a category or there should be special circumstances which in his view make it reasonable that he should find out and that he should ask questions." The judgment continued: "the court would import a qualification to the unfettered exercise of the power, namely, that it will enquire, if it has reasonable grounds for suspicion, whether the person concerned [the examining officer] is acting bona fide and whether.... his conduct is prima facie such as no reasonable person could have taken".

64. It is indeed a wide power. However, the ports are the frontiers of the United Kingdom, and an examination at a frontier is, in prevention terms, a good place to scrutinise whoever is entering and leaving the country. Immigration officers have similar powers; Schedule 2 to the Immigration Act 1971.

The work of the review of the ports powers

65. I spoke to police officers of all ranks at each port: I questioned them about their work and how they decided to make a PTA examination, and what they were looking for, and what was the reaction of the traveller being examined. I watched them doing the examination, and I looked at their records.

I suppose that for an examination to be described as unfair or less than careful, (echoing my terms of reference) it would be a case of asking too many questions, or too

few, or the wrong questions, or of keeping the traveller too long. I cannot say that this never happens: but I saw no evidence of it. Of course the officer knew that I was watching the examination, and so might be conducting himself especially well; but in each case a member of the public was being examined, who was unpredictable and who might complain of being stopped, and so the officer was obliged to conduct things like any other examination which was not observed by me.

66. Complaints are indeed made about the process of port examinations; to the effect that Irish passengers seem to be singled out, or that intrusive questions are asked, or delay is caused. Some of those complaints were the subject of investigation, and they appeared in the Complaints file, and I saw how they were dealt with; I deal with this in Chapter 13. Bearing in mind that there was only a small number of complaints, I do not think that the fact of complaints being made is an indication that the examination powers were being used unfairly.

The reason a port officer makes an examination and the effect of it

67. Some examinations are made because a police officer has received information that the particular person is of interest to the police; the information may well be founded on secret and sensitive intelligence. But many examinations are made simply because the officer concludes that the traveller approaching him might be of interest. He does so because of his training and experience in ports work; and he knows the routes used by terrorists, and their physical attitudes and demeanour.

These kinds of examinations, - on intuition rather than on intelligence - are effective; the intuition is often accurate, and the traveller turns out to be of interest to the police in one way or another. I am quite satisfied of this. I make a point of asking, at every port I visit, what has emerged from such examinations, and I look at records, and it is clear to me that Special Branch officers gain information or identify persons of interest in this way. It is an important effect of port examinations that intelligence is gathered.

- 68. These examinations deter terrorists. They know that Special Branch officers are present at a port, but they cannot know when an examination is going to be made, or who is going to be examined, and so for them the whole thing is unpredictable.
- 69. My function is to consider the port powers within my terms of reference good .

 practice in the past year, and need for a further year. And in that regard I remind myself that the powers may invade civil liberties, and that such an invasion should be reduced to a minimum. And it seems to me that I may consider how far port officers have efficient equipment or facilities, and whether they have efficient powers. Greater efficiency will catch the terrorist, and let the ordinary traveller go on his way.

Staffing

70. At every port which I have visited the volume of traffic has increased during the year, and the forecast is that the increase will continue. That means more travellers and vehicles, and the accompanying risk of terrorists and terrorist activity, and in this situation

it is important to keep an eye on the staffing levels of port officers. I do not suggest numbers of port officers should increase proportionately: the precise numbers of officers and their deployment, and the strategy for examinations, is a matter for the police themselves. But in my view the port powers of the PTA are important, and the effectiveness of them should not be allowed to suffer by under staffing.

Manifests

71. By Schedule 5 the captain of a ship or aircraft must in certain circumstances provide a manifest, that is a list of names and dates and places of birth of passengers and crew. This applies only to ships and aircraft operating in the Common Travel Area - Great Britain, Northern Ireland, the Islands, and Ireland - and only on arrival, not on departure. A manifest is useful for port officers: it is a summary of the identities of everyone on board, and it enables expeditious checks to be made. I do not see why this requirement should be limited to the incoming journey, or to the Common Travel Area. Once the principle is accepted that examinations should take place, and that some manifests are obligatory, there can be no objection to manifests generally. In other words, once over the threshold of examinations and manifests, the extension which I propose does not constitute a further inroad on civil rights. And the more information which is available to port officers, the less the ordinary members of the public will be troubled by examining officers.

Privacy

72. If an examination lasts more than a minute or two, there should be a place where it may be continued in privacy. Most members of the public would prefer to be examined away from the curiosity of bystanders, and at all the ports I have visited rooms are provided for interviews. It has the advantage that the examining officer can concentrate on the individual person.

Equipment

73. Port officers and their units now send and exchange information with speed and security: and that information is stored on databases which are regularly updated. Closed Circuit Television systems are used at ports for the purpose of keeping watch on travellers and vehicles. These systems are constantly being improved. Search equipment is used. Over the last four years I have seen a notable development in the efficiency of the equipment, and a growth in the skill of the officers operating it.

Small craft

74. Small vessels and light aircraft have been used in time past by terrorists and their organisations. The port officers have a responsibility for policing their coast line or open fields. At every port I have visited I have found a system in place which provides for vigilance on the coast or land.

The need for section 16 and Schedule 5

75. Without section 16 and Schedule 5 police officers could not maintain a permanent presence at ports: they could at port premises only in response to actual criminal activity or the immediate threat of it. The port unit at any port does indeed maintain a permanent presence, and the port officers who are members of the unit acquire experience and skill because they do their work day after day. They would not get that experience if they were sent to a port only spasmodically. I have heard it suggested that the port examination powers might be put on a basis similar to that provided by section 13A or 13B, where authorisation to exercise the power to stop and search is given for a particular area and for a limited time. I would be against that.

CHAPTER 11

POSSESSION OF ARTICLES AND COLLECTION OF INFORMATION

Section 16A

76. It is an offence to possess an article in circumstances giving rise to a reasonable suspicion that it has a terrorist purpose. However, it is a defence to prove that one did not have that purpose; so it might be said that the burden of proof shifts. Furthermore, evidence that the defendant and the article were on premises which he occupies may be accepted as sufficient evidence of possession, unless he proves he did not know of its presence; so again the burden looks as if it has shifted. And commentators have criticised this practice of putting the burden on the defendant.

But the section exactly mirrors sections 13 and 32 of the EPA, and the court in R v Killen [1974] N. I. 220 held that precisely similar provisions in an earlier statute should be construed with effect that the prosecution must nonetheless satisfy the court of guilt; the burden does not shift so dramatically as is suggested.

77. This section has been used.

Section 16B

78. This section penalises the collection or recording of information which is likely to be

useful to terrorists; the defendant may show lawful authority or reasonable excuse.

CHAPTER 12

CORDONS AND PROTECTIVE POWERS

Section 16C

79. A senior police officer may authorise, where it is expedient in the investigation of, or to prevent terrorism, a cordon in a particular area; it may last for 28 days; persons must leave the area, and stay out of it. And there are powers of search. This section applies only in Great Britain, and it has been used from time to time.

Section 16D

80. Parking restrictions may be imposed for a maximum of 28 days, where it is expedient to prevent terrorism. Again it has been used; it applies only in Great Britain.

THE PARTY AND ADDRESS OF THE PARTY ADDRES

COUNTY TYPE PROPERTY POWERS

Section 160

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Section 16D

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CHAPTER 13

COMPLAINTS

81. There is a duty on Chief Constables in Great Britain to report complaints against police officers; I see the records of those which relate to the PTA. This year there were complaints by 12 persons in England and Wales and 5 in Scotland. I have read all the correspondence, and I have seen that in each case there was what appeared to be a proper effort to deal with the complaint and to answer it. The final explanation was always full and detailed.

One or two complainants expressed satisfaction with the response. As to the remainder I do not know whether or not they were satisfied.

Some of the complaints were about the section 16 port powers, to the effect that a port officer was brusque or inconsiderate, or that Irish passengers seemed to be picked on for examination.

82. I could not, of course, judge the truth of the complaints or of the answers given: and it is not my job to adjudicate between them. If a passenger says that a police officer was rude, and the latter says he was not, I cannot say who is right. But I can say that lengthy enquiries were made in the case of each complaint to find out what has happened, and to give the complainant an answer.

Some of the complaints were against the very existence of the PTA, saying it was not necessary.

- 83. No complaints were made about sections 13A or 13 B.
- 84. None of these files contain the grumbles which port officers hear from travellers at ports, about the need to be stopped and asked questions. The port officers tell me that such comments are indeed made from time to time, and they always have been.

CHAPTER 14

CONCLUSION

- 85. My conclusion falls into two parts. First, in the circumstances set out in Chapters 3 and 4 there is a need for a prevention of terrorism statute. Second, there is a need for the provisions of the PTA. I have travelled through all those provisions, noting how they are used, and again it is the facts of Chapters 3 and 4 which drive me to the conclusion that each of the sections is necessary.
- 86. The PTA is renewable for one year, and in my view each of the sections is needed for a further year.

Appendix A

VISITS TO PORTS, PORT UNITS, AND POLICE OFFICES IN 1997

Belfast International Airport

Cairnryan

Heathrow Airport

Waterloo International

London City Airport

Gatwick Airport

Channel Tunnel unit

Lothian and Borders Police Headquarters

Northern Constabulary

Grampian Police

Eglinton Airport

Larne

Campbeltown

Glasgow Airport

Strathclyde Police Headquarters

Isle of Man Constabulary

Humberside Police Port Office

Stansted Airport

Metropolitan Police

RUC Headquarters and other offices and units

Stranraer

Metropolitan Police:

Special Branch

Financial Investigation Special Access Centre

National Joint Unit

Appendix B

Other visits

Ballycastle to Campbeltown Ferry
Stranraer to Belfast Ferry

Appendix C

Persons, Offices, and Departments who gave information and views

The Advisers under Schedule 2 of the Act

Anglo Irish Secretariat

His Excellency Edward Barrington, Ambassador Extraordinary and Plenipotentiary of the Republic of Ireland

Right Hon Alan Beith MP

The Rt Hon Sir Robert Carswell, the Lord Chief Justice of Northern Ireland

James Clappison MP

Director, Financial Crime Services Unit

Headquarters Northern Ireland (armed forces)

T P Hodgson

Home Office

Lord Lloyd of Berwick

The Rt Hon Sir Brian Mawhinney MP

Mr Philip McDonagh, Irish Embassy

National Co-ordinator of Ports Policing

Northern Ireland Office

Scottish Office

Security Service

D'albanqua.

Person, Others and Department who gers belongship and stress

The Advisors under Schoolde 2 of the Act

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breaked his officers it are ho-

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Home Office

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National Commitment of Sure Policine

Street, or September 1981

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Security Services

Appendix D

The National Joint Unit

The Metropolitan Police Special Branch runs a National Joint Unit (NJU). It is headed by a detective inspector and three detective sergeants, and the main office is staffed by fourteen officers from Special Branches of various forces in the United Kingdom and the Channel Islands. The Unit works closely with the Terrorism and Protection Unit at the Home Office, and with the Security Service.

The NJU has several functions.

First, it receives enquiries from police officers at ports who are conducting enquiries under Schedule 5 of the PTA about persons travelling to or from Ireland - the Republic or Northern Ireland - or persons with Irish connections. An NJU officer will search the database, make enquiries of the Security Service and notify the port officer of the result. If the traveller is of interest to Special Branch, a report is compiled and added to the database. Hence the NJU is an important source of intelligence. In addition to this, any examination which passes the one hour stage must be notified to the Unit, regardless of nationality.

Second, any use of the detention powers under the PTA (section 14 or Schedule 5) is notified to the NJU who then monitor the progress and outcome of any such detention.

Third, the NJU co-ordinates applications from police forces in Great Britain for extensions of detention under the Act. All such applications pass through the NJU which drafts the police report on the particular case. The Unit carries out similar work in relation to exclusion orders. The NJU is in a particularly good position to draw together current

intelligence on individuals who may be the subject of any of these applications.

Fourth, the NJU provides advice and training for police forces in the use of the Act.

Booklets have been produced for the assistance of custody officers and others who must operate its provisions and officers from the NJU carry out lecture tours.

In 1997 the NJU dealt with 57,726 enquiries.

The Criminal Justice and Public Order Act 1994 introduced section 13A and the Prevention of Terrorism (Additional Powers) Act 1996 introduced section 13B (the latter also amended section 13A). The NJU collates all applications for the use of these powers and arranges for the Home Secretary's confirmation of the use of the section 13B power.

In Northern Ireland the RUC carries out these functions and frequently a police force in Great Britain finds it convenient to be in contact with the RUC.

Appendix E

Reasons for extension of detention

6.	~	
(i)	fingerprint	checks

- (ii) forensic tests
- (iii) checking replies against intelligence
- (iv) new lines of enquiry
- (v) interrogation to identify any accomplices
- (vi) correlating information gained from another detainee
- (vii) awaiting decision of the DPP
- (viii) finding and interviewing witnesses
- (ix) arranging identity parade
- (x) checking an alibi
- (xi) translating foreign language documents and evaluating them
- (xii) obtaining interpreter and then interviewing
- (xiii) consulting with other security services including foreign services across time zones and language differences
- (xiv) evaluation of documents, once translated and further investigated

 To which should be added, "making financial enquiries"; see Chapter 9 of this
 review.

DETENTION UNDER THE PREVENTION OF TERRORISM ACT BY OUTCOME UNITED KINGDOM: 1997

	No. detained	No. of people whose detention was extended	Extensions refused	Detainees subsequently excluded/removed /deported	Detainees subsequently charged
1. England and Wales (Northern Irish terrorism)	27	0	0	0	ເດ
2. Scotland (Northern Irish terrorism)	4	0	0	0	0
3. Great Britain (International terrorism)	12	σ	0	0	7
4. Northern Ireland (Northern Irish terrorism)	504	72	0	0	148

PERSONS CHARGED, EXCLUDED, REMOVED OR DEPORTED AS PERCENTAGE OF TOTAL PTA DETENTIONS UNITED KINGDOM: 1987 - 1997

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
UK Total	23	21	22	22	22	26	23	22	25	. 56	29
GB Total	22	19	18	23	11	26	24	21	38	20	28
GB: Northern Irish Terrorism	23	22	22	22	22	26	23	22	53	22	16
GB: International	41	14	28	21	Э.	20	29	0	16	0	58
NI: Total	22	29	18	21	23	26	23	22	24	27	29

EXTENSIONS OF DETENTIONS UNDER THE PREVENTION OF TERRORISM ACT BY LENGTH OF DETENTION UNITED KINGDOM: 1997

	ENGLAND &	SCOTLAND	GREAT BRITAIN	NORTHERN
	WALES	SCOTIAND	GREAT BRITAIN	IRELAND
Length of extension (days)	Northern Irish terrorism	Northern Irish terrorism	International terrorism	Northern Irish terrorism
less than 1 day	-	-		-
1	12/2022	denient n	- 11111	4
1 + 1	-	-	-	- 0
1 + 2	-	-	-	96 N. B.
1 + 3	_	-	-	
1 + 2 + 2	-	-	-	
2	-	-	9	47
2 + 1	store - exists		<u>-</u>	-
2 + 2	- 0	-	-	-
2 + 2 + 1	-	-		
2 + 3	-	-	-	-
3	- 1-	-	-	14
3 + 1	-4-1	-	-	
3 + 2	-		-	7
4	-	-	-	WAS ESTA
5	-	-	-	-
Total	-	-	9	72

EXCLUSION ORDERS UNDER THE PREVENTION OF TERRORISM ACT UNITED KINGDOM: 1997

1. <u>In Great Britain</u>:

No. of exclusion orders extant at 31 December 1996 : 24

Orders made against persons not previously excluded

No. made Applications refused 0

Representations received against a new order being made

No. made Orders confirmed Orders revoked Pending

0 0 0 0

Review of existing orders

No. reviewed Fresh order made Orders not replaced 27* 3 24

*(24 orders, 3 renewed but later revoked)

Representations received against an order under review being renewed

No. made Orders confirmed Orders revoked Pending
3 2 1 0

Representations made against orders reviewed in 1996 pending a determination by the Secretary of State as at 31 December 1996

No. made Pending as at 31 December Number revoked

1 1

Persons examined for more than one hour under Article 4 of the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1984 or Paragraph 2 to Schedule 5 of the Prevention of Terrorism Act 1989, but not detained

Great Britain, 1 January 1987 - 31 December 1997	1997 Jer 1997												Nun	Number of persons	rsons
Length of examination and charges	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1st	2nd 3	3rd qtr	9tr
Examinations with respect to Northern Irish terrorism							22.00			iei			· I		
1 hour and less than 2	30	99	53	91	83	98	128	108	72	133	173	52	32	39	20
2 hours and less than 4	22	46	76	125	138	129	152	170	12	267	409	170	10	13	73
4 hours and less than 6 8 hours and less than 12	5 2	2 0	9	g - 1	6 -	2 2	3	ţ e	5 4	9	2 4	<u>.</u>	2 -	3 5	
12 hours and less than 24	. 8	126	186	249	- 100	. 254	2008	338	. 2		2 2	1 241	130	133	134
of which	3						200					3.8			
Charged with an offence Under the Acts Under other legislation	α.	e -	4 -	4 4	5 .	4 4	£ 6	@ 10	ω ω	ω ι Λ	6 22	6 -	4 4	~ -	٥.
Examinations with respect to International terrorism															
1 hour and less than 2	2	8 +	, ç	2 5	4 0	9 4	4 0	0	4 :	= 4	12	2 0	2	4	4
4 hours and less than 8		- 9	2 80	2 &	n -	0 4	0 4	۰ ،	4 -	0 -	6		- 5	- 2	m ~
8 hours and less than 12	ς.										2 96	. 90			2
Total international terrorism	-	15	181	24	15	16	41	6	29	18	999	30	00	1-	=
of which															
Charged with an offence															
Under other legislation	. 4			- 4	. 2										
Total examined for more than one hour	75	141	204	273	262	270	323	344	202	465	703	27.1	147	140	145
Total charged	9	4	2	13	14	(1) 19	16	13	14	13	28	10	8	00	2

In addition, two persons were returned to the Republic of Ireland to face charges.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1976,1984 and 1989 or Supplemental Orders 1976 and 1984 by outcome: persons concerned with Northern Irish terrorism

Great Britain, 1 January 1987 - 31 December 1997

. Number of persons

		Datantlone		Extensions of detention	of detention	Exclusion	Charged with	Charged with an offence (3)	Not charged
Data of detention	Total	at port	else-	beyond 48 h	beyond 48 hours granted (1)	order	Under	Under	with offence
		or	where	at port or	elsewhere	made (2)(3)	the Acts	other	or excluded
		55			(4) 13	15	o	80	152
1987	184	134	000			16	10	80	136
1988	0/1	78	00 8			10	80	10	135
1989	169	53	116	2 ω	21	14	9	19	130
1980	121	49	72	11	(5) 4	10	4	ю	401
1992	140	35	105	-	11	-	o	27	103
1993	145	28	117	4	35	4	5	25	111
1994	09	35	25	6	2	4		6	47
1995	15	S	10	-	8		8	ω ;	S 2
1996	82	14	68		23		N	15	60
. 2661	31	7	24		•			n	0,7
1996 1st quarter	19	c)	14	- N. C.					19
2nd quarter	24	7	17		9			m \$	20
3rd quarter	27		27		15			7 .	2 =
4th quarter	12	2	10		2		-		The state of the s
1997 1st quarter	7		7		-	The Date of the last		m ,	4 :
2nd quarter	15	-	14			To the second			<u> </u>
3rd quarter	6	2	- 0	District of the last					, 9
4th quarter	9	4	2						-

More than one extension of detention may be granted under the 1984 and 1989 Acts (see Table 9 for details).

Exclusion orders made against persons who were detained under the Acts in the period shown. See Table 4 for total exclusion orders, including those made against persons not detained under

the Acts.

Persons charged and subsequently excluded are shown under 'exclusion order made' only. (3)

In addition, one application was refused in 1986, two in 1987 and two in 1988. (4)

Includes one extension granted in Northern Ireland.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1984 and 1989 or Supplemental Order 1984 by outcome: persons concerned with international terrorism

Great Britain, 1 January 1987 - 31 December 1997

Number of persons

Date of detention Total at port e 1987	else- where	8 hours gr	or removed under	I Inder	-	
or airport 41 10 16 6 18 4 24 4 32 6 20 5 20 5 7 7 2 1 1 - 19 11 2 3 1st quarter 1 - 1 1st quarter 1 - 1 1st quarter 1 - 1 1st quarter 6 1 - 1	where			10010	Onder	offence
41 16 18 24 32 20 7 7 7 11 19 22 15 quarter 3rd quarter 11 15 quarter 11 15 quarter 15 quarter 6	18 9	at port or elsewhere	Immigration Act 1971	the	other	deported, excluded
41 16 18 18 24 32 20 7 7 7 11 19 22 18 quarter 3rd quarter 11 18 quarter 11 18 quarter 11 21 quarter 6		airport	(2)	Acts	legislation	or removed
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	40	1 18	o		8	24
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	0				60	13
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	4 14	1 5	2		60	13
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	4 20	9	2		60	19
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	6 26	2 13	-			31
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	5 15	9	2		2	16
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	2 5				2	S
1st quarter 2nd quarter 3nd quarter 4th quarter 1st quarter 2nd quarter	1					-
1st quarter 2nd quarter 3nd quarter 4th quarter 1st quarter 2nd quarter	1 18	6			60	16
1st quarter 2nd quarter 3rd quarter 4th quarter 1st quarter 2nd quarter	. 2					2
	3	1 8		4	m	S
	-	B				-
	-					-
2nd quarter 6 1						
	1 5	1 4		9	-	2
3rd quarter 5 1	1 4	4		-	2	2
4th quarter , 1 1						-

(1) More than one extension of detention may be granted under the 1984 and 1989 Acts (see Table 9 for details).

Persons charged with an offence and subsequently deported, excluded or removed are included under 'deported, excluded or removed under immigration Act 1971' only. (2)

Persons detained under the Prevention of Terrorism (Temporary Provisions) Act 1989 and extensions of detention granted by police force area

Great Britain, 1 January 1993 - 31 December 1997

Number of persons

V f		Pers	sons detain	ed				s whose det s extended	(1)	
olice force area	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997
ngland	H. 192 94									
Avon and Somerset	1	1		1	1					
Bedfordshire	-	1		2						
	1	3								
Cambridgeshire	2	1				2	* /	*		
Cheshire	-									
Cleveland										
Cumbria					6 C. F. W.		*			
Derbyshire			-						-	-
Devon and Comwall	1							7.00		-
Dorset	-				1					-
Durham				3					-	-
Essex	2	1		3			-			
Gloucestershire			4 .		,					
Greater Manchester	4	2		-		THE PARTY OF	1000			
Hampshire	6	1	1	1						
Hertfordshire					91.00	75030	BOSCOE			
Humberside					1				Territori	
Kent	7	10		12	1					
Lancashire	2			3	1				1 17 150	
	2	2	2	1	1					
Leicestershire	-						* *		1	-
Lincolnshire			1			-	1			
London, City of	8	-	1	2	1	2 (000		-1		
Merseyside	16	8		42	18	15	2	9	18	9
Metropolitan Police	49	13	16	42	10		-			
Norfolk			-	-				-		-
Northamptonshire	2			-		7				
Northumbria	12			*	1-18-06	,		141319	193	
North Yorkshire			-			1				_
Nottinghamshire	3			-		3	15.00			
South Yorkshire	1	-	-	-				•		
	2	-				fame .	-	- Birthia		-
Staffordshire	-		-							
Suffolk	2			200	3	Lead .		-	and the same	
Surrey	1		40.00	3				-	1	-
Sussex	,									
Thames Valley						A ROTOR	700.0	2 0931	10.3	
Warwickshire	1	1			4			-		
West Mercia			1	-	4		1		3	
West Midlands	2	5	-	3	4			-		-
West Yorkshire	1		Jan Same	100	AND TO THE	2	Seed and	-0.00	1000	
Wiltshire	2		-	-		_ 2				_
VVIIIO		49	22	73	37	29	3	10	22	9
Total England	130	49		75						
Wales										
Dyfed-Powys	1	2	-	4	2		A A	-	-	
Gwent	3	5	1	3			1	-		
North Wales								-		
South Wales				-	2		1		FIRST . S	
Total Wales	4	7	1	7				10	22	
Total England and Wales	134	56	23	80	39	29	4	10		
Scotland										
	7			*		6				
Central Scotland	10	4	4	3	4	4		1		
Dumfries and Galloway	10							10 10		
Fife	4 1 - 5		100							
Grampian							*		-	
Lothian and Borders	1 1 5 1			1 12	4 7 1 2 1				-	
Northern			1	1		AL TOTAL		7	1	
Strathclyde	1	1	/	- '		91 1 1				
Tayside		·			-					
Total Scotland	18	5	11	4	4	10		8	1	
					43	39	4	18	23	

⁽¹⁾ Extensions of detention for persons originally detained in the stated police force area. In some cases the person was moved to another area and the receiving force applied for the extension.

CHARGES IN GREAT BRITAIN IN 1997 FOLLOWING DETENTION OR
EXAMINATION UNDER THE PREVENTION OF TERRORISM (TEMPORARY
PROVISIONS) ACT 1989

1. Northern Irish terrorism

In 1997, 33 people were charged with an offence following detention or examination under the PTA in connection with Northern Irish terrorism. All of these were charged with offences under other legislation.

2. <u>International terrorism</u>

In 1997, there were 12 detentions under the PTA in relation to international terrorism. Four of those detainees were subsequently charged with offences under the Act, and three with offences under other legislation. These offences were all related to serious terrorist activity.

NB Where individuals have been charged with more than one offence, they are listed under the offence for which the most severe sentence was or could be imposed.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1984 and 1989 or Supplemental Order 1984 and not charged with a criminal offence deported, excluded or removed by length of detention (1)

5

Number and percentage of persons

Great Britain, 1 January 1987 - 31 December 1997	acember 1997			-		-	-						1997		Ì
Length of detention	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1st qt	2nd qtr	3rd gtr	6 분
l ace than 2 hours	.	6		4	S	2	7			9	8	-	-		
2 hours and less than 4	9	7	10	=	20	12	8	7		10	9	-	e .		2
A bours and loss than B	6	20	23	25	25	59	24	11		18	4	2	2		
a hours and less than 12	=	=	25	17	8	6	6	2	-	3	2		2		
12 hours and lose than 24	33	30	32	41	28	37	27	9	4	8	2			0	- ,
24 hours and less than 36	57	42	29	26	16	14	8	15	9	6	10		9		4
36 hours and less than 48	41	26	12	=	13	2	15	4	-	8	.	.	.		-
Total under 48 hours	157	139	131	135	115	111	86	48	12	22	53	4	15	6	7
Percentage of all detentions under 48 hours (2)(3)	%06	%98	%06	85%	%86	78%	87%	84%	75%	%86	85%	1	:	,	:
2 days and less than 3	9	2	9	2	6	8	50		. (- 1					
3 days and less than 4	5	S C	ω (9 +	= -	- «	ω 4		တ က	2 ~					
4 days and less than 5	4 (2	7 +			, ,	-								
5 days and less than 6	2 2					2	8					.	.		
Total 48 hours or more	19	10	17	14	20	80	18		o	10	2		-	-	
Percentage of all detentions 48 hours or more (2)(3)	37%	40%	47%	40%	%29	47%	46%		20%	43%	22%	:	1	;	:
Total detained and not charged, deported, excluded or removed	176	149	148	149	135	119	116	48	21	29	31	4	16	4	-
Percentage of <u>all</u> detentions (2)(3)	78%	80%	82%	77%	88%	74%	%92	%62	62%	%08	72%	1			1

See Note 3 in Notes section.

Not shown for quarterly figures because of significant variation between quarters. (3)

i.e. total detentions as shown in Tables 1 and 2.

Applications for exclusion orders, outcome, place detained, terminations of exclusion orders and numbers in force: persons concerned with Northern Irish terrorism

Number of applications

Great Britain, 1 January 1987 - 31 December 1997

	Application	Application		Excl	Exclusion order made: (1)	de: (1)	Person rer	Person removed to: (3)	Exclus	Exclusion orders	Exclusion	Exclusion
Date of	for	refused by	Total	Against	Against	Against	Northern	Republic	9	ended	orders	orders in
application	exclusion	Secretary		person	person	person not detained	Ireland	of Ireland	Revoc- ations or	Deaths (4)	renewed or replaced	force at end of
The second has been	(1) signio	ol State (1)		at port or alrport	elsewhere	under Act (2)		-	expiries (4)(5)			period (6)
1987	22	9	19	10	S.	4	16	60	40	-	17	111
1988	25	2	50	6	7	4	13	7	22		13	122
1989	10	-	6	7	8		80	-	09	-	24	94
1990	17	-	16	4	=	-	12	4	37		24	46
1991	11		=	2	S	-	7	4	35		18	91
1992	2	1	2	1		-	-	-	34 (1 (7)	21	(7) 67
1993	7		7	. 2	2	8	9	1	38		23	7
1994	4		4	2	2		60	-	28	6	14	28
1995				2.0					28		ro.	35
1996									17		9	24
1997				-					27		6	

Unlike Table 1, orders are shown in the period they were made or refused, not the period in which the detention occurred.

For example: order made against a person detained under other powers, a person released from prison or a person already outside Great Britain for another reason.

Excludes cases where the person was outside Great Britain when the order was made, or where the order was revoked before being put into effect.

Revocations and deaths in year shown; these may relate to detentions in a previous period. The order may have been revoked before being put into effect, after representations or after review (see

Includes orders revoked where a fresh order was subsequently made (see footnote 2). (2)

These figures are the result of combining the information in columns 3, 9, 10 and 11.

Figures amended after publication of 1992 bulletin. (6)

