STATUTORY INSTRUMENTS

1974 No. 2038

PREVENTION OF TERRORISM

The Prevention of Terrorism (Supplemental Temporary Provisions) (Northern Ireland) Order 1974

Made - - -	*5th December* 1974
Laid before Parliament	*5th December* 1974
Coming into Operation	*6th December* 1974

In exercise of the powers conferred upon me by section 8 of and paragraphs 1, 2 and 3 of Schedule 3 to the Prevention of Terrorism (Temporary Provisions) Act 1974(**a**), I hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Prevention of Terrorism (Supplemental Temporary Provisions) (Northern Ireland) Order 1974 and shall come into operation on the day after the day on which it is made.

Interpretation

2.—(1) In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say:—

"the Act" means the Prevention of Terrorism (Temporary Provisions) Act 1974, as amended by the Prevention of Terrorism (Temporary Provisions) (Adaptation) Order 1974(**b**);

"the Act of 1971" means the Immigration Act 1971(**c**);

"examining officer" has the meaning assigned to it by Article 3;

"examination" includes further examination;

"exclusion order" means an order which, by virtue of section 6(1) of the Act, is an order excluding a person who is not a citizen of the United Kingdom and Colonies from the United Kingdom;

"the Islands" means the Channel Islands and the Isle of Man;

"vehicle" means a vehicle, whether mechanically propelled or not, and includes a railway train or part of a railway train.

(2) In this Order any reference to an Article or to a Schedule shall be construed as a reference to an Article of or, as the case may be, a Schedule

(a) 1974 c. 56. (b) S.I. 1974/2037 (1974 III, p.7955). (c) 1971 c. 77.

to, this Order and any reference in an Article to a paragraph shall be construed as a reference to a paragraph of that Article.

(3) Any power conferred by this Order to give directions includes power to vary or revoke the directions.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(5) This Order, except Article 10(3), (4) and (5) extends to Northern Ireland only.

Examining Officers, etc.

3.—(1) The persons specified in paragraph (2) shall be examining officers for the purposes of the Act and this Order.

(2) The persons referred to in paragraph (1) are a constable, an immigration officer appointed for the purposes of the Act of 1971 under paragraph 1 of Schedule 2 to that Act and any officer of customs and excise who is the subject of arrangements for his employment as an immigration officer made by the Secretary of State under that paragraph.

(3) Any functions conferred by the Act or this Order on an examining officer may be performed also by a member of Her Majesty's forces on duty.

Examination of persons arriving in, entering or leaving Northern Ireland

4.—(1) An examining officer may examine any persons who have arrived in or are seeking to leave Northern Ireland by ship or aircraft for the purpose of determining—

(*a*) whether any such person appears to be a person concerned in the commission, preparation or instigation of acts of terrorism; or

(*b*) whether any such person is subject to an exclusion order; or

(*c*) whether there are grounds for suspecting that any such person has committed an offence under section 3(8) of the Act.

The reference in this paragraph to persons who have arrived in Northern Ireland shall include a reference to transit passengers, members of the crew of the ship or aircraft and others not seeking to stay in Northern Ireland.

(2) An examining officer may, for the purpose specified in paragraph (1), examine any persons who are entering or seeking to enter or leave Northern Ireland by land from, or to go to, the Republic of Ireland.

(3) An examining officer may examine any person found in Northern Ireland within a distance of one mile from the border with the Republic of Ireland for the purpose of ascertaining whether he is in the course of entering or leaving Northern Ireland by land.

(4) A person entering Northern Ireland by train may be examined when he arrives at the first place where the train is scheduled to stop for the purpose of allowing passengers to alight.

(a) 1889 c. 63.

(5) Any person, on being examined under this Article, may be required in writing to submit to further examination.

Production of information and documents

5.—(1) It shall be the duty of any person examined under Article 4 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that Article.

(2) A person on his examination under Article 4 by an examining officer shall, if so required by the examining officer—

(*a*) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and citizenship or nationality; and

(*b*) declare whether or not he is carrying or conveying documents of any relevant description specified by the examining officer, and produce any documents of that description which he is carrying or conveying.

In paragraph (*b*), "relevant description" means any description appearing to the examining officer to be relevant for the purposes of the examination.

Powers of search, etc.

6.—(1) An examining officer may, for the purpose of satisfying himself whether there are persons he may wish to examine under Article 4, search any ship or aircraft and anything on board it or anything taken off or about to be taken aboard a ship or aircraft.

(2) An examining officer who examines any person under Article 4 may, for the purpose specified in paragraph (1) of that Article, search that person and any baggage belonging to him or any ship or aircraft and anything on board it or anything taken off or about to be taken aboard a ship or aircraft.

(3) Without prejudice to paragraphs (1) and (2), an examining officer, who examines any person under Article 4, may, for the purpose specified in paragraph (1) of that Article, search any vehicle and anything in or on it or anything taken out of or off it or about to be placed in or on it.

(4) An examining officer may detain for the purpose of examining it anything produced pursuant to Article 5(2)(*b*) or found on a search under this Article, for a period not exceeding seven days; and if on examination of anything so produced or found the examining officer is of the opinion that it may be needed—

(*a*) in connection with the taking of a decision by the Secretary of State as to whether or not to make an exclusion order; or

(*b*) for use as evidence in criminal proceedings,

he may detain it until he is satisfied that it will not be so needed.

(5) A woman shall not be searched under this Article except by a woman.

(6) An examining officer may board any ship or aircraft or enter any vehicle, if need be by force, for the purpose of exercising any of his functions under the Act or this Order.

(7) Where an examining officer has power to search under this Article, he may, instead, authorise the search to be carried out on his behalf by a person who is not an examining officer.

(8) Where a person who is not an examining officer carries out a search in accordance with paragraph (7), he may—

(*a*) for that purpose, board any ship or aircraft or enter any vehicle, if need be by force, and

(*b*) exercise the power of detaining articles conferred by paragraph (4).

Landing, embarkation, entry and departure cards

7.—(1) Subject to paragraph (2), any person who disembarks from, or embarks on, a ship or aircraft in Northern Ireland which has come from or is going to Great Britain, the Republic of Ireland or any of the Islands shall, if so required by an examining officer, complete and produce to that officer a landing or, as the case may be, an embarkation card in such form as the Secretary of State may direct, which shall be supplied for the purpose to that person by the owners or agents of the ship or aircraft concerned.

(2) Paragraph (1) shall not apply to a person disembarking from an aircraft coming from the Republic of Ireland, if that person is required to produce a landing card under any order for the time being in force under paragraph 5 of Schedule 2 to the Act of 1971.

(3) Any person who may be examined under Article 4(2) or (4) shall, if so required by an examining officer, complete and produce to that officer an entry or, as the case may be, a departure card in such form as the Secretary of State may direct.

Removal of persons subject to exclusion orders

8.—(1) Directions for the removal of any person subject to an exclusion order may be given, subject to and in accordance with this Article and Article 9—

(*a*) in the case of a person who is found to be subject to an exclusion order on examination under Article 4 or against whom an exclusion order is made following such examination, by an examining officer; or

(*b*) in such or any other case, by the Secretary of State.

(2) A person shall not be removed in pursuance of directions given under this Article unless he has been given notice, under section 4(1) of the Act, of the making of the exclusion order and—

(*a*) he has consented to being removed; or

(*b*) at least 48 hours have elapsed since the notice was served and no representations have been duly made by him under section 4(3) of the Act; or

(*c*) where such representations have been duly made by him, he has been notified of the Secretary of State's decision not to revoke the order under section 4(6) of the Act.

(3) Subject to Article 9, directions given under this Article may be—

(*a*) directions given to the captain of a ship or aircraft about to leave the United Kingdom requiring him to remove the person in question in that ship or aircraft; or

(*b*) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for the removal of the person in question in a ship or aircraft specified or indicated in the directions; or

(*c*) in the case of directions given by the Secretary of State, directions for the removal of the person in question in accordance with arrangements to be made by the Secretary of State.

(4) Subject to Article 9, directions given under this Article may be for removal to a country or territory specified in the directions being—

(*a*) in the case of a person in respect of whom directions are given following his examination under Article 4 after arrival in Northern Ireland in a ship or aircraft, the country or territory in which he boarded the ship or aircraft in which he arrived; or

(*b*) in such or any other case, a country or territory of which he is a citizen or national, in which he obtained a passport or other document of identity or to which there is reason to believe that he will be admitted.

(5) A person in respect of whom directions are given under this Article may be placed under the authority of an examining officer or, in the case of directions given by the Secretary of State, under the authority either of the Secretary of State or an examining officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

(6) The costs of complying with any directions under this Article shall be defrayed by the Secretary of State.

Removal of persons by land to the Republic of Ireland

9.—(1) Directions may be given under Article 8 for the removal of a person by land to the Republic of Ireland.

(2) Directions given by virtue of paragraph (1) may be—

(*a*) directions given to the driver or owner of any vehicle requiring him to remove the person in question to the Republic of Ireland in a vehicle specified in the directions; or

(*b*) in the case of directions given by the Secretary of State, directions for the removal of the person in question in accordance with arrangements to be made by the Secretary of State:

Provided that no directions may be given by virtue of sub-paragraph (*a*) to the driver or owner of a private vehicle unless the person to be removed arrived in Northern Ireland in that vehicle.

(3) Paragraph (5) of Article 8 shall have effect in relation to a person in respect of whom directions are given by virtue of this Article as if for the words "on board any ship or aircraft" there were substituted the words "in or on any vehicle".

Detention of persons liable to examination or removal

10.—(1) A person who may be required to submit to examination under Article 4 may be detained, under the authority of an examining officer, pending his examination or pending consideration of the question whether to make an exclusion order against him for whichever is the longer of the following periods, that is to say—

(*a*) a period not exceeding seven days; or

(*b*) if the Secretary of State so directs, a period not exceeding that expiring on the expiry of the period of five days beginning at the end of the day on which his examination is concluded.

(2) A person in respect of whom directions for removal may be given under Article 8, may be detained pending the giving of such directions and pending removal in pursuance thereof under the authority—

(*a*) in the case of such a person as is mentioned in Article 8(1)(*a*), of an examining officer; or

(*b*) in such or any other case, of the Secretary of State.

(3) A person on board a ship or aircraft may, under the authority of an examining officer, be removed from the ship or aircraft for detention under this Article; but if an examining officer so requires, the captain of the ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in Northern Ireland in the ship or aircraft if the examining officer notifies him either that that person is the subject of an exclusion order or is a person against whom consideration is being given by the Secretary of State to the making of an exclusion order.

(4) The captain of a ship or aircraft, if so required by an examining officer, shall prevent from disembarking in the United Kingdom or, before the directions for removal have been fulfilled, elsewhere, any person placed on board the ship or aircraft under Article 8(5).

(5) The captain of a ship or aircraft may, for the purpose of preventing a person from disembarking pursuant to paragraph (3) or (4), detain him in custody on board the ship or aircraft.

(6) A person may be removed from a vehicle for detention under this Article.

(7) Any person detained under this Article may be taken in the custody of an examining officer, or of any person acting under the authority of such an officer, to and from any place where his attendance is required for the purpose of establishing his citizenship or nationality or for making arrangements for his admission to a country or territory outside the United Kingdom or where he is required to be for any other purpose connected with the operation of the Act or of this Order.

Arrest of persons liable to detention and search

11.—(1) A person liable to be detained under Article 10 may be arrested without warrant by an examining officer.

(2) If a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under paragraph (1) is to be found on any premises he may grant a search warrant authorising any constable at any time or times to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

Designation of ports and control areas

12.—(1) The ports specified in Schedule 1 shall be designated ports for the purposes of this Article.

(2) The owners or agents of a ship or aircraft coming to Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands or going from Northern Ireland to any other of those places which is employed to carry passengers for reward shall not, without the approval of the Secretary of State, arrange for the ship or aircraft to call at a port in Northern Ireland other than a designated port for the purpose of disembarking or embarking passengers.

(3) The Secretary of State may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the disembarkation or embarkation of passengers in any port in Northern Ireland and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being so designated at any port, the owners or agents shall take all reasonable steps to ensure that, in the case of their ships or aircraft, passengers do not disembark or, as the case may be, embark at the port outside the control area and that any conditions or restrictions notified to them are observed.

(4) The Secretary of State may also from time to time give to any persons concerned with the management of a port in Northern Ireland written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions notified to him are observed.

Requirements with respect to disembarkation of passengers and crew

13.—(1) The captain of a ship or aircraft arriving in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands—

(*a*) shall, except so far as he may be otherwise required to do so under paragraph 27(1) of Schedule 2 to the Act of 1971, take such steps as may be necessary to secure that passengers on board and, if required to do so by an examining officer, members of the crew, do not disembark there unless either they have been examined by an examining officer, or they disembark in accordance with arrangements approved by an examining officer; and

(*b*) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

(2) The captain of a ship or aircraft arriving in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands shall, unless he is subject to the requirements of an order under paragraph 27(2) of Schedule 2 to the Act of 1971, if so required by an examining officer, comply with the requirements of paragraph (3) with respect to the furnishing to that examining officer of the particulars of the passengers on and crew of the ship or aircraft.

(3) The requirements referred to in paragraph (2) are (subject to paragraph (4))—

(*a*) to furnish to the examining officer a list of the names and nationality or citizenship of all passengers arriving on the ship or aircraft, as the case may be; and

(*b*) (i) in the case of a ship, to furnish to the examining officer within 12 hours of the arrival of the ship, a return in the form set out in Schedule 2 containing particulars of all members of the crew arriving on the ship;

(ii) in the case of an aircraft, to furnish to the examining officer a list of the names, date of birth and nationality or citizenship of all members of the crew arriving on the aircraft as soon as practicable after the arrival of the aircraft.

(4) An examining officer may require the captain of a ship or aircraft to comply with the requirements of paragraph (3)(*b*) either in respect of all members of the crew or in respect only of such classes of persons as he may specify.

(5) Any passenger on a ship or aircraft shall furnish to the captain of the ship or aircraft, as the case may be, any information required by him for the purpose of complying with the provisions of paragraph (3).

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Northern Ireland Office.
5th December 1974.

ARTICLE 12(1)

SCHEDULE 1

DESIGNATED PORTS

Seaports

Belfast
Coleraine
Larne
Londonderry
Warrenpoint

Airports

Aldergrove
Sydenham

ARTICLE 13(3)

SCHEDULE 2

PARTICULARS OF MEMBERS OF THE CREW OF A SHIP ARRIVING IN NORTHERN IRELAND

(To be delivered by the master to an examining officer within 12 hours of arrival)

1. Name of ship (in block letters).....
2. Nationality of ship.....
3. Owners .....
4. Local agents.....
5. Date of arrival.....
   from .....
6. Port of arrival.....
7. Dock, wharf or berth.....

Signature of master.....

Date .....

Particulars of each member of the crew except those in regard to whom an examining officer has notified the master that particulars are not required

Surname (in block letters)	Forenames	Rating	Date of birth (in full)	Nationality or citizenship	Where first signed on	Date first signed on
1. (Master)						
2.						
3.						
4.						

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order contains provisions supplementing the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1974 in its application to Northern Ireland.

Article 3 provides that examining officers for the purposes of the 1974 Act and of the Order shall be a constable, an immigration officer and any officer of customs and excise who is the subject of arrangements under the Immigration Act 1971 for his employment as an immigration officer. The Article enables a member of Her Majesty's forces on duty to perform any function of an examining officer.

Article 4 empowers examining officers to examine any person arriving in or seeking to leave Northern Ireland, whether by land, sea or air, to determine whether he appears to be a person concerned in the commission, preparation or instigation of acts of terrorism or subject to an exclusion order prohibiting him from being in or entering the United Kingdom or is a person who there are reasonable grounds for suspecting has committed an offence under section 3(8) of the 1974 Act. Article 5 requires any person examined under Article 4 to produce such information or documents as may be required by the examining officer.

Article 6 relates to the search of persons examined and their baggage and ships or aircraft or vehicles or anything taken from or about to be taken on a ship or aircraft or vehicle and enables articles to be detained for specified purposes.

Article 7 requires persons disembarking from or embarking on a ship or aircraft coming from or going to Great Britain, the Republic of Ireland or any of the Channel Islands or Isle of Man to produce landing or, as the case may be, embarkation cards and contains similar requirements for persons entering or leaving Northern Ireland by land.

Articles 8 and 9 contain provisions enabling the Secretary of State and examining officers to remove persons subject to exclusion orders and Articles 10 and 11 provide for the detention of persons pending examination or removal and for the search of any premises where a person liable to detention is suspected of being.

Article 12 requires the owners or agents of a ship or aircraft coming from Great Britain, the Republic of Ireland or any of the Channel Islands or the Isle of Man, or going to any of those places, which is employed to carry passengers for reward not to arrange for the ship or aircraft to call in any port in Northern Ireland other than one listed in Schedule 1 without the approval of the Secretary of State, and enables the Secretary of State to designate control areas. Article 13 requires the captain of a ship or aircraft coming from any of the above mentioned places to take steps to prevent passengers (and, if required to do so, members of the crew) from disembarking (unless they have been examined on board) otherwise than in accordance with arrangements approved by an examining officer; the Article (together

with Schedule 2) also contains provisions for requiring the captain of such a ship or aircraft to furnish to examining officers particulars of the passengers and crew.

Except to the limited extent provided for by Article 2(5), the Order extends only to Northern Ireland.

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