

# United Kingdom

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## Section 1: Summary of Domestic Legislation

The United Kingdom's anti-terrorism regime consists primarily of the Terrorism Act 2000, the Anti-Terrorism, Crime and Security Act 2001, the Prevention of Terrorism Act 2005 and the Terrorism Act 2006. In addition to these specialist pieces of legislation, ordinary criminal law offences are also commonly used against terror suspects.

### Terrorism Act 2000

Anti-terrorism legislation in the UK is centred on the [Terrorism Act 2000](#). Section 1 incorporates a broad definition of terrorism which underpins not only offences contained within later sections of the Act, but also subsequent anti-terrorism legislation.

- Section 38B compels individuals who possess information that may help prevent an act of terrorism or may assist in securing the apprehension, prosecution or conviction of a person involved in the commission, preparation or instigation of an act of terrorism to disclose that information to the authorities. Failure to do so may result in a 5 year jail term on conviction.
- Section 39 criminalises disclosure of information that may prejudice a terrorist investigation or interference with material that may be relevant to it – carrying a maximum penalty of 5 years imprisonment.
- Section 41 allows the police to arrest a person reasonably suspected of being a terrorist. Schedule 8 of the Act details specific provisions for those arrested under Section 41 concerning their treatment on detention. Schedule 8 is to be read in conjunction with ordinarily the Police and Criminal Evidence Act (PACE) 1984 and its associated Codes of Practice deal with the detention regime of all suspects. PACE Code (Code H) specifically relates to those detained under Section 41. The Terrorism Act 2006 extended the maximum period of pre-charge detention to 28 days.
- Section 54 interdicts receiving, providing or inviting others to training, inside or outside the UK, relating to firearms, explosives and radioactive materials or weapons.
- Section 56 prohibits directing an organisation which is concerned with the commission of acts of terrorism. The maximum penalty for such an offence is life imprisonment.

- Section 57 criminalises possession of an article for a purpose connected with the commission, preparation or instigation of an act of terrorism.
- Section 58 proscribes collecting or recording information of a kind likely to be useful to a person committing or preparing an act of terrorism, or possessing a document or record containing information of that kind.
- Section 59 concerns inciting terrorism overseas and forbids incitement of another to commit an act of terrorism wholly or partly outside the UK, where that act would constitute one of the following offences within the UK: -
  - Murder
  - Wounding with intent
  - Poisoning
  - Explosive offences
  - Endangering life by damaging property
- Proscription
 

Part 2 of the 2000 Act (as amended) allows the Secretary of State to proscribe organisations that he believes to be 'concerned in terrorism'. Proscribed organisations are listed in Schedule 2 and there are currently 58 organisations enumerated. Sections 11 and 12 outlaw membership and support of such organisations. It is also an offence to wear clothing or insignia which may arouse reasonable suspicion of support of banned organisations.
- Finance
 

There are 5 main offences relating to the financing of terrorism.

  - Section 15 makes it an offence to invite anyone to give money or property or receive money or property for the purposes of terrorism or where the person giving or receiving the money or property knows or has cause to believe that they may be used for terrorism.
  - Section 16 prohibits using property and money for the purposes of terrorism.
  - Section 17 interdicts involvement in arrangements where money or property is made available for terrorism.
  - Section 18, headed money laundering, bans facilitating the retention of terrorist property in any way.
  - Section 19, somewhat controversially, compels the disclosure of knowledge or suspicion of terrorist funding based on information that comes to light from one's trade, profession, business or employment.

### **The Anti-Terrorism Crime and Security Act (ATCSA) 2001**

The [ATCSA 2001](#) was passed in response to the events of 9/11 and was aimed at amending the Terrorism Act 2000 and making further provisions concerning terrorism and security.

- Schedule 1 of the Act allows terrorist cash to be seized and detained for 48 hours. The period of detention can be extended up to 3 months subject to a Magistrates' Court order. These orders can be renewed but the maximum total period of detention is 2 years. However, the Magistrates' Court can order, upon application, that the cash be forfeited totally or in part under Schedule 1, paragraph 6.
- The Act also contains various provisions relating to weapons of mass destruction (Part VI), regulation of pathogens and toxins (Part VII), and using noxious substances to cause harm or intimidate (Sections 113-115).
- Sections 82-88 deal with aviation security including measures relating to arrest and removal from aircraft and airports, detention of aircraft and aviation security services.

### **Prevention of Terrorism Act (PTA) 2005**

The [Prevention of Terrorism Act 2005](#) allows 'control orders' to be imposed on those suspected of involvement in terrorist activity. These are preventive measures that allow the police to limit the movement and activity of suspects through one or more obligations aimed at disrupting their involvement in terrorism. Typical obligations include no internet access, restriction of visitors and night time curfews.

Breach of any terms of a control order without reasonable cause is a criminal offence punishable via a fine or up to 5 years imprisonment or a combination of both. Control orders can be imposed for up to 12 months whereupon they lapse unless renewed on application.

There are two types of control order – derogating and non-derogating. Derogating control orders require the UK government to issue a derogation notice from Article 5 (Right to Liberty) of the European Convention of Human Rights which has direct effect in UK law through the Human Rights Act 1998. To date no derogating control orders have been imposed.

Non-derogating control orders conversely do not require derogation and may simply be imposed by a Court upon application by the Secretary of State.

### **Terrorism Act 2006**

The [Terrorism Act 2006](#) created a number of controversial new offences:-

- Section 1 (Encouragement of Terrorism) criminalises publication of statements which directly or indirectly encourage others to commit acts of terrorism. Included within this are statements which 'glorify' terrorism which may be understood as encouraging others to emulate them.
- Section 2 (Dissemination of Terrorist Publications) makes it unlawful to sell, loan, or otherwise disseminate publications that encourage terrorism or may be useful to terrorists.
- Section 5 (Preparation of Terrorist Acts) makes it an offence for a person who has the intention of committing acts of terrorism or assisting others to commit such acts to undertake any conduct or action giving effect to that intention.

- Sections 6 (Terrorist Training) and 8 (Attending at a Place for Terrorist Training) criminalise giving or receiving training in terrorism techniques and attending at a place, anywhere in the world, where such training is provided.
- Sections 9-11 deal with making, misusing, possessing radioactive materials and making threats relating to them.

## **Section 2: Relevant International Instruments and Obligations**

### ***Anti-Terrorism Instruments***

The UK has signed and ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism](#) 2005 has been signed but is still yet to be ratified.

### ***Human Rights Instruments***

The UK is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [European Convention of Human Rights](#) (ECHR) 1950 which has direct effect in UK domestic law through the Human Rights Act 1998.

## **Section 3: Useful reports**

### **❖ CODEXTER Report**

An overview of the UK counter-terrorism system has been collected by the [Council of Europe Committee of Experts on Terrorism \(CODEXTER\)](#) and can be consulted [here](#). The report outlines the UK's anti-terrorist legislation, institutional framework and international cooperation instruments.

### **❖ UN Counter-Terrorism Committee Reports**

The UK Government has submitted a number of reports to the [United Nations Counter-Terrorism Committee \(CTC\)](#) on the implementation of [Security Council Resolution 1373](#) (2001).

- The [first report](#) (2001) summarises the legislative action taken by the UK towards implementing Security Council Resolution 1373 and answers the Committee's specific questions relating to the financing of terrorism and recruitment of terrorists.
- The [second report](#) (2002) supplements the first report, providing further details on mechanisms for the fight against the financing of terrorism, extradition of terrorist suspects and the organisational set up of the UK's counter-terror administrative machinery.
- The [third report](#) (2003) focuses on the extradition of terrorist suspects and bilateral assistance arrangements in the fight against terrorism.

- The [fourth report](#) (2004) contains the UK's response to a broad purview of questions asked by the CTC, including effectiveness of the financial measures against terrorists, effective prevention of the establishment of terrorist safe havens, and coordination between domestic agencies for denying terrorists access to weapons or hazardous materials.
- The [fifth report](#) (2005) is very short and simply advises the CTC of the adoption of the Prevention of Terrorism Act (2005)

In 2006 the UK Government submitted a [report](#) to the CTC concerning the implementation of [Security Council Resolution 1624](#) (2005).