

# NATIONAL ARCHIVES

## IRELAND



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Note for the Information of the Minister

1. Following the two Birmingham bomb explosions on 21 November 1974, in which 20 people were killed, the Prevention of Terrorism (Temporary Provisions) Bill was hurriedly introduced, debated and approved without division by both Houses of Parliament and came into force on 29 November 1974. The Act was renewed by Order at six monthly intervals until it was replaced by the almost identical Prevention of Terrorism (Temporary Provisions) Act, 1976 which came into force on 25 March 1976. This latter Act requires annual renewal by Parliament. The renewal order for the year ending 24 March 1979 was approved in the House of Commons on 15 March 1978 with 118 votes in favour and 21 votes against and in the House of Lords on 21 March without a vote. The 1976 Act applies to both Great Britain and Northern Ireland and has been extended to the Channel Islands and the Isle of Man by Orders in Council.

2. The main provisions of the PTA are:-

- (a) to proscribe the IRA in Great Britain and to give the Secretary of State power to proscribe any organisation believed by him to be involved in terrorism connected with Northern Ireland;
- (b) to empower the Secretary of State to make Exclusion Orders;
- (c) to give power to detain without warrant and without charge for 48 hours (extendable at the discretion of the Secretary of State for a further 5 days); contrary to normal British practice, a person can be photographed and fingerprinted during such detention, even without his consent;
- (d) to provide for security arrangements at ports of entry and exit.

The Secretary of State in question can be the Home Secretary, the Secretary of State for Northern Ireland or indeed the Secretary of State for Scotland, as appropriate.



3. Statistical data on the uses made of the provisions of the 1974 and 1976 Acts are attached at Appendix I. Less than 5% of those detained in Britain under the PTA have in fact been charged.

4. Proscribed Organisations

The only organisation that has been proscribed under the Act is the Irish Republican Army. The Act provides that it is a criminal offence to:-

- belong to a proscribed organisation;
- raise or receive money or goods on behalf of a proscribed organisation;
- encourage any other form of support for a proscribed organisation;
- organise a public or private meeting of more than two people in support of a proscribed organisation;
- organise a public or private meeting addressed by a member of a proscribed organisation, whether or not he is speaking about Northern Ireland affairs.

The maximum penalty for any of these offences is a fine of £1,000 and/or six months' imprisonment if tried in the magistrates' court, or an unlimited fine and/or five years' imprisonment in the Crown Court. The court may also order a convicted person to forfeit any money or goods held for a proscribed organisation.

5. Exclusion Orders

The Secretary of State can exclude UK citizens from Britain to Northern Ireland or vice versa. Non-UK citizens can be excluded from the UK. In the case of UK citizens, there are residence qualifications which act as a bar to an exclusion order in certain cases. There are no such qualifications in the case of non-UK citizens. In all cases, an exclusion order must be based either on the belief of the Secretary of State that the person in question's



purpose in entering Great Britain or Northern Ireland is with a view to being concerned in acts of terrorism or because the Secretary of State considers it expedient, in order to prevent acts of terrorism. Persons on whom exclusion orders are served have the right to make representations against exclusion and such representations are (except in cases regarded as "frivolous") considered by two "assessors" appointed by the Home Secretary. To date, 22 cases have been considered by assessors, resulting in 6 reversals.

6. Security Arrangements at ports of entry and exit

Anyone entering or leaving Great Britain or Northern Ireland can be detained at a port or airport by an examining officer. Immigration officers and some customs and excise officers, in addition to police officers have been appointed as examining officers with powers of arrest and detention.

Examining officers can:

- arrest without a warrant anyone who appears to them to be concerned with terrorism
- detain a person for up to seven days for questioning and for the Home Secretary or for the Secretary of State for Northern Ireland to consider whether or not the person should be excluded;
- detain a person for a further five days after questioning is finished, if the Home Secretary or Secretary of State for Northern Ireland consents (making a total maximum of twelve days' detention).

7. The application of the Acts has been closely monitored since the first Act came into force in November 1974. When requests for information as to the present position of person who is detained under the Act are received from someone with a legitimate interest in the case, the Embassy in London raises the matter with the British authorities and remains in close contact with them until



the person in question has been released or charged. Complaints received or illegal or unnecessarily arbitrary action under the Act are also raised with the British authorities, with a request that they be investigated. In most cases the British response, after investigation, is to deny that the complaint was well founded. In a small number of cases, however, where fault is admitted, they offer an appropriate apology.

8. The following figures give a breakdown of all recorded cases pursued by the Embassy with the British authorities under the Acts:

<u>Cause of Complaints</u>	<u>No. of cases raised</u>
Exclusion Orders:	20
Detention within GB:	38
Detention at ports of entry/exit	63

Naturally, within these figures, there can be considerable variation on the degree of formality/informality with which individual cases are raised.

9. Within Britain the Act has been criticised, in a number of reports on its operation issued by the National Council for Civil Liberties, as representing an unnecessarily broad derogation from basic human and legal rights. During the debate on the renewal of the Act in the House of Commons on 9 March 1977 a number of Labour and Liberal M.P.s expressed support for an independent inquiry into the operation of the Act. This was rejected however by the Home Secretary, who was supported by Mr. William Whitelaw for the Conservatives. However, Mr. Rees, the Home Secretary, capitulated to critics of the Act and announced in the House of Commons on 12 December 1977, that he would hold an inquiry into the efficiency of the Act and its effect on Civil Liberties. He appointed Lord Shackleton, a former Labour leader in the Lords, to conduct the inquiry. The inquiry covers not only mainland Britain but also Northern Ireland, where the question of the use of the Act has become bound up with allegations of police brutality.



(Confidential: Attached in Annex II is a copy of the observations the London Embassy conveyed to the Foreign and Commonwealth Office in connection with the Shackleton Inquiry.)

10. Deputy Browne has also addressed a question in respect of the PTA to the Minister for Justice. A copy of the relevant extract from the Dáil debate is attached (Appendix III).

Statistics relating to the Prevention of Terrorism Acts 1974  
and 1976 for the period November 1974 to end March 1978

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EXCLUSION ORDERS

Number of Persons Involved

G.B. (England, Scotland and Wales):

Total number of Orders made	125
Notice of making of Order served on	117
Number of unexecuted Orders	8
Number of persons removed from GB to NI	84
Number of persons removed from GB to Republic	25
Total number of persons removed from GB	109
Appeals/representations against Orders	22
Orders revoked following appeals/ representations	6
Decision awaited following appeal/ representations	1
Number of Orders confirmed following appeal/representations	15

N.I.

Number of persons removed from NI to Republic	2
Total number of persons removed by Orders	111
Total number of persons removed from UK to Republic	27

DETENTIONS

G.B. (England, Scotland and Wales)

Detained for up to 48 hours	668
Additional cases involving authorised extensions of detention for up to 5 days	277
Detained at Ports of Entry/Exit	<u>2,222</u>
Total number of persons detained in GB	3,167



DETENTIONS (contd.)

Number of Persons Involved

N.I.

Number of persons detained under the Acts	451
Number subsequently charged with offences	229
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Total number detained under the Acts in UK	3,618

PERSONS DETAINED UNDER THE ACTS AND SUBSEQUENTLY  
CHARGED WITH OFFENCES

G.B. (England, Scotland and Wales)

Total number of persons detained and subsequently charged with an offence	142
Number charged with an offence created specifically under the 1974 Act	4
Number charged with an offence created specifically under the 1976 Act	16
Number charged with other offences	122

N.I.

Number charged with an offence created by the Acts	25
Number charged with non-PTA offences	229



Annex 11

Issues Arising out of the Implementation of the Prevention of Terrorism Acts 1974 and 1976 which might be discussed with the British Authorities.

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1. While accepting the views of the authorities here on the need for such legislation, a certain concern might be expressed on the substantial number of people who have been detained at ports. In this context, the question of documentation might be mentioned together with the commitment, which has not always been implemented, to accept documentation giving the names of individuals in Irish.
2. The concern that has been expressed to the Embassy regarding the issue of legal advice to those on whom exclusion orders have been served.
- X 3. The suspicion that in some few cases a certain pressure has been put on individuals to infiltrate the P.I.R.A. on the basis that their failure to cooperate would result in an exclusion order being served on them.
4. An awareness of the danger that exclusion orders might be served on people from Northern Ireland who could have been associated with violence but who genuinely wish to start a new life here and/or whose lives might be in danger if they return to the North.
5. A suggestion that consideration might be given to expediting the procedures which are considered necessary in establishing the identity of individuals, particularly at ports, and thus minimising the delay and inconvenience to those, and they are the overwhelming majority, who are innocent.
6. A more sympathetic approach by the police, or examining officers, to the relatives and friends of those who are detained particularly on the issues of confirming the whereabouts of the detainee, informing them of the provisions under which the person is being detained and alerting them of the person's release.
7. That consideration be given to granting access by a solicitor, if such is requested by the detainee, at least during the five day extension period.



8. Our concern that the Act should at all times be implemented in a humanitarian and compassionate manner both internally in the searching of property and at ports in the attitude of examining officers.
9. That particular care be exercised in the questioning and detention, when this is considered essential, of children.
10. That regard, particularly on the questions of publicity and press announcements, be given to the possible implications of detention under the Act on the detainee's employment prospects and relationship with the community in which he/she lives.