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NATIONAL POLICY

UK interests are a target for international terrorist groups, particularly Al Qaeda and its related terrorist network. It also continues to be under threat from terrorism in connection with the affairs of Northern Ireland. Effective Counter Terrorism measures are thus a matter of the highest priority.

The UK has strengthened its Counter Terrorism capabilities in recent years and continues to look for ways to improve them. National borders do not confine terrorist activities, so efforts to counter them require close international co-operation, and we are strongly committed to working with international partners.

The UK is also committed to working with international partners to tackle issues that terrorist groups can exploit to widen their support such as regional conflicts, limited educational or employment opportunities, discrimination or the absence of legitimate avenues for expressing views or participating in society.

LEGAL FRAMEWORK

Penal law

Whilst there are some "terrorist offences" in the UK such as those related to the funding of and support of terrorist groups or activities, most suspected terrorists are prosecuted under general criminal law offences such as murder or other crimes against the person, criminal damage, hostage taking and their associated inchoate offences. Other major offences committed by terrorists are causing explosions,¹ bomb making,² and the illegal possession of firearms² or explosives.³

Terrorism Act 2000

The centrepiece of the United Kingdom's counterterrorist legislation is the Terrorism Act 2000. The Act was introduced to provide permanent UK

wide legislation and to cover all forms of terrorism. The definition of terrorism in the Act is:

*The use or threat of a specified action where the use or threat is designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause. The action is a specified action if it involves serious violence against a person; involves serious damage to property; endangers a person's life, other than the person committing the action; creates a serious risk to the health or safety of the public or a section of the public; or is designed seriously to interfere with or seriously to disrupt an electronic system.*⁴

The Terrorism Act 2000 provides for the following terrorist related offences:

- i. Disclosure to another person of information that could prejudice a terrorist investigation or interference with material relevant to such an investigation (which carries a maximum penalty of five years imprisonment).⁵
- ii. Providing or receiving instruction or training in the making or use of firearms, explosives, radioactive material or weapons designed or adapted for the discharge of any radioactive material, chemical, biological, or nuclear weapons; or inviting another person to receive such training, inside or outside the UK (which carries a maximum penalty of ten years imprisonment).⁶
- iii. Directing the activities of an organisation concerned with the commission of acts of terrorism (which carries a maximum penalty of life imprisonment).⁷
- iv. Possession of an article for purposes connected with the commission, preparation or instigation of acts of terrorism (which carries a maximum penalty of ten years imprisonment).⁸
- v. Collecting or making a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism or possessing a

⁴ Section 1 of the Terrorism Act 2000. Where the use or threat of action involves firearms or explosives it will be terrorism whether or not it is designed to influence a government or an international governmental organisation, or to intimidate the public.

⁵ Section 39 of the Terrorism Act 2000.

⁶ Section 54 of the Terrorism Act 2000.

⁷ Section 56 of the Terrorism Act 2000.

⁸ Section 57 of the Terrorism Act 2000.

¹ Section 29 Offences Against the Person Act 1861 and Section 2 Explosive Substances Act 1883.

² Firearms Act 1968.

³ Sections 3-4 Explosive Substances Act 1883.

document or record containing such information (which carries the same penalty).⁹

- vi. Incitement of another person to commit an act of terrorism wholly or partly outside the UK, where that act would constitute an offence of murder, wounding with intent, poisoning, explosives offences, and endangering life by damaging property if committed in the UK (penalty corresponds to the penalty for the offence equivalent to the act he committed).¹⁰
- vii. Failure to disclose information that may prevent an act of terrorism or secure the apprehension, prosecution or conviction of another person for an offence involving the commission, preparation or instigation of an act of terrorism (which carries a maximum penalty of five years).¹¹

The Terrorism Act 2000 also enhances police powers to counter and investigate terrorism, including provisions for police cordons, and powers to stop and search pedestrians and vehicles¹² and to restrict parking.¹³ The powers to stop and search must be authorised by a designated senior officer and confirmed by the Secretary of State where the powers are to be exercised for longer than 48 hours.¹⁴ Authorisations are also needed for cordons and parking restrictions.

Police, Customs, and Immigration Officers also have extended counter-terrorism powers to stop, question, detain and search persons at ports (including airports and hoverports) and to require them to produce identification.¹⁵ They may also request information on passengers or crew and their vehicles from ship or aircraft owners or their agents.¹⁶ The exercise of these powers does not require authorisation.

Proscription of Terrorist Organisations

Under the Terrorism Act 2000 a power was created to proscribe groups that the Secretary of State believed to be 'concerned in terrorism'. There are currently 44 international terrorist organisations proscribed, of which, two organisations are proscribed under powers introduced in the Terrorism Act 2006, as glorifying terrorism. 14 organisations in Northern Ireland are proscribed under previous legislation.

⁹ Section 58 of the Terrorism Act 2000.

¹⁰ Section 59 of the Terrorism Act 2000.

¹¹ Section 38B of the Terrorism Act 2000 (as inserted by section 117 of the Anti-Terrorism Crime and Security Act 2001).

¹² Section 44(1) and (2) of the Terrorism Act 2000.

¹³ Section 48 of the Terrorism Act 2000.

¹⁴ Sections 44(3) to (5), 45 and 46 of the Terrorism Act 2000.

¹⁵ Section 53, Schedule 7, paragraphs 1 to 11, 18 of the Terrorism Act 2000.

¹⁶ Section 53, Schedule 7, paragraph 17 of the Terrorism Act 2000.

There are three main criminal offences associated with proscription:

- Membership of a proscribed organisation¹⁷ (which carries a maximum penalty of 10 years imprisonment);
- Support for a proscribed organisation¹⁸ (which carries the same penalty); and,
- Wearing an item of clothing or wearing, carrying or displaying an article in public which arouses reasonable suspicion that a person supports or is a member of a proscribed organisation¹⁹ (which carries a maximum penalty of 6 months imprisonment).

The Act also provides that actions to benefit a proscribed organisation are actions taken for the purposes of terrorism, which makes it easier to prove the other terrorist offences set out in the Act which do not relate only to proscribed organisations.²⁰

Preventing the Financing of Terrorism

The Terrorism Act 2000 creates four main offences in relation to terrorist funding:

- Fund raising: it is an offence to invite anyone to provide money or property; receive money or property; or to provide money or property for the purposes of terrorism;²¹
- Use and possession of money or property for the purposes of terrorism;²²
- Involvement in arrangements whereby money or property is made available for the purposes of terrorism;²³
- Money laundering: facilitating the retention or control of terrorist property in any way.²⁴

There is also an obligation under the Act to disclose knowledge or suspicion of terrorist funding based on information arising from one's trade, profession business or employment.²⁵ Failure to disclose such information is an offence.

Seizure and Forfeiture

Under the Anti-Terrorism, Crime and Security Act 2001 (see below), 'authorised officers' (defined as constables, customs officers or immigration officers) may seize and detain cash if they have reasonable grounds for suspecting that it is terrorist cash.²⁶ Seized cash must be released within 48 hours unless

¹⁷ Section 11 of the Terrorism Act 2000.

¹⁸ Section 12 of the Terrorism Act 2000.

¹⁹ Section 13 of the Terrorism Act 2000.

²⁰ Section 1(5) of the Terrorism Act 2000.

²¹ Section 15 of the Terrorism Act 2000.

²² Section 16 of the Terrorism Act 2000.

²³ Section 17 of the Terrorism Act 2000.

²⁴ Section 18 of the Terrorism Act 2000.

²⁵ Section 19 of the Terrorism Act 2000.

²⁶ Schedule 1 paragraphs 2 and 3 of the ATCS Act.

a Magistrates' Court issues an order allowing further detention for up to three months.²⁷ Such detention orders can be made if the reasonable grounds and justification (as specified in the Act) exist for doing so. They can be renewed, but cash cannot be detained beyond a maximum period of two years. Magistrates' Courts may also issue orders for the forfeiture of detained cash if they are satisfied that the cash is terrorist cash.²⁸

Asset Freezing

The UK gives effect to the requirements of UN Security Council Resolution 1373 (2001) by the Terrorism (United Nations Measures) Order 2006, made under Section 1 of the United Nations Act 1946, which enables the United Kingdom to implement Chapter VII Security Council Resolutions. This Order (SI 2657(2006)) prohibits any dealing with funds and economic resources²⁹ of persons designated by the Treasury on suspicion of an involvement in terrorism³⁰ and prohibits persons from making funds, economic resources and financial services³¹ available to such persons unless licensed by the Treasury. The Order makes it an offence to breach these prohibitions. The Bank of England, acting as the Treasury's agent maintains a list of designated persons. Asset freezing action can also be taken against individuals listed by the European Union under Council Regulation (EC) 2580/2001, implementing EU Common Position. The 2006 Order provides for criminal enforcement of the EC Regulation in the UK.

UN Security Council Resolutions 1267(1999), 1333(2000), 1363(2001), 1390 (2002), 1452(2002), 1455(2003), 1526(2004), 1617(2005) and 1735(2006) targeting specifically Al Qaida and the Taliban have similarly been given effect in the UK by the Al-Qaida and Taliban (United Nations Measures) Order 2006 (SI 2952(2006)). This order prohibits any dealing with funds and economic resources³² of persons designated at the UN for association with Al Qaida or the Taliban or by the Treasury on suspicion of being such a person³³ and prohibits persons from making funds and economic resources³⁴ available to such persons unless licensed by the Treasury. The Order makes it an offence to breach these

²⁷ Schedule 1 paragraph 3 of the ATCS Act.

²⁸ Schedule 1 paragraph 6 of the ATCS Act.

²⁹ Article 7 of the Terrorism (United Nations Measures) Order 2006.

³⁰ Article 4 of the Terrorism (United Nations Measures) Order 2006.

³¹ Article 8 of the Terrorism (United Nations Measures) Order 2006.

³² Article 7 of the Al Qaeda and Taliban (United Nations Measures) Order 2006.

³³ Article 4 of the Al Qaeda and Taliban (United Nations Measures) Order 2006.

³⁴ Article 8 of the Al Qaeda and Taliban (United Nations Measures) Order 2006.

prohibitions and also provides for the enforcement of Regulation (EC) 881/2002 which gives effect to the relevant Security Council Resolutions throughout the EU. The Bank of England, acting as the Treasury's agent maintains a list of designated persons.

Anti-Terrorism Crime and Security Act 2001

In response to the terrorist attacks on 11 September 2001, further counter terrorism powers were introduced under the Anti-Terrorism, Crime and Security Act 2001 ("the ATCS Act"). The ATCS Act builds on counter-terrorist provisions already in place in the UK to ensure that the Government has the essential powers to counter all forms of terrorist threat.

Key measures in the ATCS Act are:

- Additional provisions about weapons of mass destruction;³⁵
- Additional provisions requiring disclosure of suspected terrorist financing activities;³⁶
- Measures to improve the security of pathogens and toxins, including powers to inspect premises and to deny access to specified persons;³⁷
- Additional powers of arrest in and removal from aircraft and airports;³⁸ wider powers in respect of the regulation of aviation security;³⁹ and enhanced powers to detain aircraft;⁴⁰
- Provision for the retention of communications traffic data;⁴¹
- Creation of an offence of using noxious substances to harm or intimidate.⁴² (There is also provision in relation to hoaxes involving harmless substances);⁴³
- Asset freezing powers where an individual, entity or country poses a risk to the UK economy, the life or property of UK nationals or residents.⁴⁴

Prevention of Terrorism Act 2005

The Prevention of Terrorism Act 2005⁴⁵ provides for the imposition of "control orders" upon those believed to be involved in terrorist-related activity. These "control orders" are preventative orders which impose one or more obligations upon an individual which are designed to prevent, restrict or disrupt his or her involvement in terrorist-related activity.

³⁵ Sections 43 to 57 of the ATCS Act.

³⁶ Schedule 2, Part 3 of the ATCS Act.

³⁷ Sections 58 to 75 of the ATCS Act.

³⁸ Sections 82 and 84 of the ATCS Act.

³⁹ Section 85 of the ATCS Act.

⁴⁰ Section 86 of the ATCS Act.

⁴¹ Sections 102 to 107 of the ATCS Act.

⁴² Section 113 of the ATCS Act.

⁴³ Section 114 of the ATCS Act.

⁴⁴ Part 2 of the ATCS Act.

⁴⁵ For full text see following address:

<http://www.opsi.gov.uk/acts/acts2005/20050002.htm#aofs>.

A range of possible obligations may be imposed by the control order. Each order will be tailored to the particular risk posed by the individual concerned.

Breach of any of the obligations of the control order without reasonable excuse is a criminal offence punishable with a prison sentence of up to 5 years or a fine or both.

Control orders can be imposed on any person suspected of involvement in terrorist-related activity irrespective of nationality.

There are two types of control order. Control orders which impose obligations that do not require derogation from Article 5 of the ECHR are known as "non-derogating" control orders. The other "derogating" control orders can be made only if the necessary derogation from the ECHR is in place. To date, no such derogation has been sought by the British government.

Extra Territoriality

If it is appropriate due to the nature of the activity concerned, or in order to implement its international obligations the UK has taken extra-territorial jurisdiction in relation to offences relating to terrorism. The following pieces of legislation contain express provisions on extra-territoriality:

- The Terrorism Act 2006;
- The Terrorism Act 2000;
- The Anti-Terrorism Crime and Security Act 2001;
- The Suppression of Terrorism Act 1978.

Detention of Terrorist Suspects

Section 41 of the Terrorism Act 2000 allows a constable to arrest a person reasonably suspected by him or her of being a terrorist.

Once arrested, custody procedure in England and Wales is based on the Police and Criminal Evidence Act 1984 (PACE) and the associated Codes of Practice. However, Schedule 8 to the Terrorism Act provides further enhanced and specific provisions for detention for individuals arrested under section 41. There is also a specific PACE Code (Code H) which deals with those detained under section 41 of, and Schedule 8 to, the Terrorism Act 2000.

Under the PACE Codes, a prisoner (if a foreign national) has the right to have his or her embassy informed of his or her detention. Under Schedule 8 a person also has the right to a solicitor and to have one named person informed of his or her detention. These rights can be delayed for a maximum of 48 hours if there are reasonable grounds for believing that their exercise may lead to one of a number of consequences. These include, interference with evidence, 'tipping off' a person involved in terrorist activity, or physical injury to a person.

Persons detained under the Terrorism Act 2000 provisions must be informed of their rights as soon as practicable. If they appear to be unable to understand English, the custody officer must arrange for an interpreter to assist.

The Terrorism Act 2006 extends the maximum period that a terrorist suspect can be held prior to charge to 28 days. This is a maximum which will only be reached in a very small number of serious cases.

The Terrorism Act 2006

The Act creates a number of new offences including:

- Encouragement to Terrorism⁴⁶
This makes it a criminal offence to publish or cause to be published a statement which directly or indirectly encourages others to commit acts of terrorism. This includes statement that glorify of terrorism, where they may be understood as encouraging the emulation of the acts glorified (which carries a maximum penalty of seven years imprisonment)
- Dissemination of Terrorist Publications⁴⁷
This covers the sale, loan, or other dissemination of terrorist publications. A terrorist publication is one that contains matter that encourages terrorism or is useful to terrorists (which carries the same penalty)
- Acts Preparatory to Terrorism⁴⁸
This aims to capture those who intend to commit or assist others to commit acts of terrorism and take steps to prepare to give effect to that intention (which carries a maximum penalty of life imprisonment)
- Terrorist training offences⁴⁹
This makes sure that anyone who gives or receives training in terrorist techniques can be prosecuted. The Act also criminalises attendance at a place of terrorist training (which carries a maximum penalty of life imprisonment)
- Making, misusing, or possessing of radioactive devices or materials⁵⁰
It is an offence to make or possess a radioactive device or possess radioactive material with the intention of using it in terrorism (section 9). It is an offence to misuse a radioactive device or radioactive material or damage a nuclear facility for the purposes of terrorism (section 10). It is an offence to make demands in the course of an act of terrorism or for the purposes of terrorism in relation to the supply of, or access to, a radioactive device, radioactive material or a nuclear facility, if the demand is accompanied

⁴⁶ Section 1, Terrorism Act 2006.

⁴⁷ Section 2, Terrorism Act 2006.

⁴⁸ Section 5, Terrorism Act 2006.

⁴⁹ Sections 6 and 8, Terrorism Act 2006.

⁵⁰ Sections 9-11, Terrorism Act 2006.

by a credible threat to take action if the demand is not met (section 11). It is also an offence to threaten to use radioactive material, a radioactive device or damage a nuclear facility in the course of an act of terrorism or for the purposes of terrorism (also section 11).

- Section 12 of the 2006 Act extends the existing offence of trespassing on a designated site in the Serious Organised Crime and Police Act 2005 to include trespass on a nuclear site.

The Act extends the definition of Terrorism given in the Terrorism Act 2000 to include international government organisations.

Immigration, Asylum and Nationality Act 2006

UN Security Council Resolution 1373 called on States to take appropriate measures before granting refugee status to ensure that the asylum-seeker has not planned, facilitated or participated in terrorism, and to ensure that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts.

Section 54 of the Immigration, Asylum and Nationality Act 2006 makes it clear that committing, preparing or instigating terrorism, or encouraging or inducing others to commit, prepare or instigate terrorism, will be treated as acts contrary to the purposes and principles of the United Nations for the purposes of article 1F(c) of the United Nations convention relating to the Status of Refugees. It also implements the UK's obligations under Article 12 (2) (c) of the EU's Council Directive 2004/83/EC of 29th April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. The effect of this is that such a person is excluded from recognition as a refugee.

Prosecution

Any decision to charge an individual in England & Wales is made by the Crown Prosecution Service. While the police have total charge of the investigative process, it is the Crown Prosecution Service that conducts the prosecution if an individual is charged. In Northern Ireland the Public Prosecution Service conducts the prosecutions. In Scotland, the final investigation and preparation for trial in serious cases is undertaken by the Procurator Fiscal.

There are no specialist courts or specialist judges in Great Britain to try terrorist suspects. The method of trial is trial before the Crown Court (Sheriff or High court in Scotland) and guilt or innocence is decided by a jury.

Northern Ireland

As a result of the emergency situation, single judge, non jury courts ("Diplock courts") were introduced in Northern Ireland in 1973. These courts hear trials of terrorist related crimes listed in the Terrorism Act 2000, and act as a safeguard against the danger of perverse verdicts in terrorist cases, which can arise either from intimidation or partisan juries. It is ultimately the decision of the Attorney General whether a case is heard by a "Diplock court" or not. Proposals for a new form of single judge, non-jury trial to replace the "Diplock courts" were recently consulted on. The new system will install a presumption for jury trial (the opposite to the Diplock system) and the decision for non-jury trial will be taken by the Director of Public Prosecutions in Northern Ireland, against a statutory test.

The "Diplock courts" and a number of other special provisions for Northern Ireland are contained in Part 7 of the Terrorism Act, which is temporary. The Terrorism (Northern Ireland) Act 2006 provides that Part 7 will cease to have effect on 31 July 2007, in line with the programme of security normalisation, though there is provision for it to be extended until 1 August 2008 should that become necessary.

As part of the Belfast (Good Friday) Agreement of 1998 the Governments of the UK and Ireland agreed to each put in place mechanisms for the accelerated release of prisoners convicted of terrorist related offences in Northern Ireland or of similar offences elsewhere. The UK enacted the Northern Ireland (Sentences) Act 1998, which set up a Sentence Review Commission to which prisoners could apply for a declaration of eligibility for early release. Only those convicted of an offence before 10 April 1998 could qualify. In order to be eligible for release, specified conditions must be met.

Investigation Methods

Interception of Communications: The Regulation of Investigatory Powers Act (RIPA) 2000 provides the legal basis, consistent with ECHR obligations, for the interception of communications for:

- The purpose of preventing or detecting serious crime;
- The interests of national security; or
- The purpose of safeguarding the economic wellbeing of the United Kingdom.⁵¹

Communications data may be obtained on similar grounds under the same Act by serving a notice upon the holder of the data, requiring them to comply with the terms of the notice.⁵² In this case

⁵¹ Section 5 (3) RIPA 2000.

⁵² Section 22 RIPA 2000.

the communications service provider has to supply data, if it is reasonably practicable to do so.⁵³

Covert Surveillance: Part II of RIPA and in Scotland the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) provides two categories of covert surveillance:

Intrusive surveillance is defined as covert surveillance inside residential premises or private vehicles that is carried out by means of a surveillance device or involves a person on the premises or in the vehicle;⁵⁴ and,

Directed surveillance is defined as covert surveillance that is not intrusive, but which is undertaken for a specific investigation or operation that is likely to obtain private information about a person.⁵⁵

Authorisation: Intrusive surveillance may only be carried out by the police and HM Revenue & Customs if an **Independent Surveillance Commissioner** approves an authorisation.⁵⁶ Intrusive surveillance may only be carried out by the security and intelligence services if authorised by the issue of a warrant by the Secretary of State in the interests of national security or to prevent or detect serious crime.⁵⁷

The carrying out of Directed Surveillance and the use of a Covert Human Intelligence Source (CHIS) is authorised internally at a senior level within the police, HM Revenue & Customs and security and intelligence services.⁵⁸ An Agent, Informant and Undercover Officer is defined as a CHIS if s/he is a person who establishes or maintains a personal or other relationship with a person to covertly obtain and disclose information.⁵⁹ All Directed and Intrusive Surveillance authorisations must be necessary and proportionate to what is sought to be achieved by carrying out the activity.

Bugging: RIPA and RIPSA do not cover the interference with property that may be involved in the bugging of premises or other such interference with property or wireless telegraphy. Part III of the Police Act 1997 provides the lawful basis for the police service and HM Revenue & Customs to enter on or interfere with property or with wireless telegraphy. Section 5 of the Intelligence Services Act 1994 provides the lawful basis for the security and

intelligence agencies to enter on or interfere with property or with wireless telegraphy.

Other relevant legislation

Compensation to Victims of Terror

The Criminal Injuries Compensation Scheme provides payment at public expense to blameless victims of crimes of violence and those injured in trying to apprehend criminals or prevent crime. Terrorism is regarded as a crime of violence for the purposes of the Scheme. The Scheme operates in England and Wales and in Scotland. Anyone, of any nationality, sustaining criminal injury there is eligible to apply.

There is a separate scheme in Northern Ireland, modelled closely on the Great Britain Scheme. There is also provision within Northern Ireland for the State to pay compensation for damage to property caused by terrorists (under the Criminal Damage (Compensation) (NI) Order 1977).

British nationals or residents injured abroad are not currently eligible for compensation under the UK scheme. They must look to the offender, to insurance arrangements or to the State where the criminal injury occurred.

In March 2006 the government announced a £1 million charitable fund to help UK victims of terrorism. Details of the new fund are currently being finalised, but it is intended to provide small-scale and immediate financial relief for UK citizens following a terrorist incident overseas.

From its inception in 1964 until 1996 the Scheme was non-statutory. It was made statutory with effect from 1 April 1996 under provisions in the Criminal Injuries Compensation Act 1995. Under the statutory scheme compensation is based on a tariff (scale) of awards for injuries of comparable severity. There are 25 tariff levels, ranging from £1,000 to £250,000. In more serious cases compensation additional to the tariff award can be paid for loss of earnings and the costs of special care, subject to an overall maximum of £500,000 in any individual case.

Chemical, Biological, Radiological and Nuclear Acts

Chemical, biological, radiological and nuclear acts of terrorism involving CBRN material are covered by existing United Kingdom counter-terrorism legislation⁶⁰ and other pieces of law including:

The **Nuclear Materials (Offences) Act 1983** extends the jurisdiction of the United Kingdom courts to deal with nuclear-related offences committed

⁵³ Section 22(6) and (7) RIPA 2000.

⁵⁴ Section 26 (3) RIPA 2000.

⁵⁵ Section 26 (2) RIPA 2000.

⁵⁶ Section 36 RIPA 2000.

⁵⁷ Sections 41 and 42 RIPA 2000.

⁵⁸ Sections 28 to 30 RIPA 2000, and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 No.3171.

⁵⁹ Section 26(8) RIPA 2000.

⁶⁰ Section 9,10 & 11 of the Terrorism Act 2000.

outside the United Kingdom. It lists a number of offences including murder, theft and fraud. If a person commits one of these offences using nuclear material they can be prosecuted in the UK, irrespective of nationality or where the offence took place or whether it would be an offence in that country – only provided that these acts carried out overseas would have been an offence had they been carried out in the UK.⁶¹

The Act also created offences relating to receiving, holding or dealing with nuclear material, or making threats in relation to nuclear material, with intent to commit certain offences or enabling others to commit those offences. These include, among other offences, those of murder, manslaughter, culpable homicide, assault on injury, malicious mischief or causing injury, certain offences against the person, theft or extortion.⁶²

The **Chemical Weapons Act 1996** put in place the legislation necessary to enable the UK to ratify the 1993 Chemical Weapons Convention and includes provisions which stipulate that no one may possess, use, develop, produce, transfer or engage in military preparations with chemical weapons.⁶³

The **Biological Weapons Act 1974** put in place the legislation necessary to enable the UK to ratify the 1972 Biological and Toxin Weapons Convention. It makes it a criminal offence to develop, produce, stockpile, acquire or retain any biological agent or toxin of a type and in a quantity that has no justification for prophylactic, protective or other peaceful purposes; or any weapons, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict. Section 1(1A) creates an offence relating to the transfer of such material.⁶⁴

The UK has also ratified the 1980 Convention on the Physical Protection of Nuclear Material.

The **Aviation Security Act 1982 (as amended), The Aviation and Maritime Security Act 1990, the Railways Act 1993 and the Channel Tunnel (Security) Order 1994 (made under the Channel Tunnel Act 1987)** all establish a wide range of criminal offences in respect of acts or attempted acts of violence against the relevant modes of transport and/or the related infrastructure, passengers and staff.

Other relevant legislation relating to the counterterrorism effort is contained in the

Immigration Act 1971, the Customs and Excise Management Act 1979, the Extradition Act 2003 and the Export of Goods (Control) Order 1994.

INSTITUTIONAL FRAMEWORK

The Secretary of State for Home Affairs has ministerial responsibility within Government for counter-terrorist policy within Great Britain. The **Home Office** is the focal point for the response to the terrorist threat, both through legislative measures and counter-terrorist contingency planning. It is also responsible for protective security policies and, along with the NIO and Devolved administrations for Scotland and Wales, for CBRN incident planning and the national counter terrorist exercise programme.

The Secretary of State for Northern Ireland has responsibility for counter-terrorist policy within Northern Ireland. The Northern Ireland Office therefore has responsibility for legislative measures and counter-terrorist contingency planning in Northern Ireland.

The **Foreign and Commonwealth Office** has responsibility for protecting the UK's interests and citizens overseas from terrorist threats. It also represents the United Kingdom government on counter-terrorism issues in most international and regional fora and promotes counter-terrorism cooperation and assistance in bilateral relations with other states.

The **Cabinet Office** has the role of co-ordinating the government's counter-terrorist activities, bringing together Ministers, officials or officers from all relevant departments, including where necessary from the Devolved Administrations, the police and the armed services. In conjunction with the Home Office, the Cabinet Office assists in delivering national counter terrorist exercises. It has lead responsibility for the security of government establishments, and with the devolved administrations for Scotland and Northern Ireland (when government is devolved) for civil contingency planning.

The main instrument for advising on priorities for intelligence gathering and for assessing its results is the **Joint Intelligence Committee (JIC)**. It is a part of the Cabinet Office and is responsible for providing Ministers and senior officials with coordinated inter-departmental intelligence assessments on a range of issues of immediate and long-term importance to national interests, primarily in the fields of security, defence and foreign affairs, including terrorism.

⁶¹ Section 1, Nuclear Material (Offences) Act 1983.

⁶² Sections 2 and 3, Nuclear Material (Offences) Act 1983.

⁶³ Section 2 Chemical Weapons Act 1996.

⁶⁴ Section 1, Biological Weapons Act 1974.

The **Security Service** has a statutory function for the protection of national security (under section 1(2) of the Security Service Act 1989) and in particular, among other things, its protection against threats from terrorism. It also has the statutory function to safeguard the economic well being of the UK from external threats, and to act in support of law enforcement in the prevention and detection of serious crime. The Act applies throughout the United Kingdom, including Northern Ireland. In Northern Ireland the lead responsibility for investigating the threat from terrorism related to the affairs of Northern Ireland has rested with the Police Service of Northern Ireland. However, the Northern Ireland Secretary announced in February 2005 that the Security Service would assume for Northern Ireland the lead responsibility it has had for national security intelligence work since 1992 in Great Britain. This new arrangement will be fully operational during 2007.

The Security Service's **National Security Advice Centre (NSAC)** works to protect key Government assets and the UK's Critical National Infrastructure (CNI), such as transport, power and water, and to reduce their vulnerability to terrorist threats. Much of the advice is relevant to a broad range of organisations, private and public, and is now available on the website.

The **Joint Terrorism Analysis Centre (JTAC)** was created as the UK's centre of excellence and expertise on assessing the threat from international terrorism, and is responsible for setting the threat levels to UK interests at home and overseas. It has been in existence since June 2003. The Head of JTAC is responsible to the Director General of the Security Service, but JTAC is a self-standing organisation comprised of representatives from eleven government departments and agencies. JTAC analyses and assesses intelligence relating to international terrorism, sometimes in close cooperation with the International Counter Terrorism branch of the Security Service, which manages investigations into terrorist activity in the UK. JTAC then produces outputs on threats and terrorist related subjects to satisfy customers from a wide range of government departments and agencies.

The **Secret Intelligence Service (SIS)**, as regulated by the Intelligence Services Act 1994, is concerned with the gathering of foreign secret intelligence in the interests of national security - with particular reference to defence, and foreign policies - in interests of the economic well being of the UK, and in support of the prevention or diction of serious crime. Priorities for gathering such intelligence are in accordance with requirements established by the JIC and approved by Ministers. SIS uses human and technical sources to meet these requirements, as

well as liaison with a wide range of foreign intelligence and security services.

The **Government Communications Headquarters (GCHQ)**, as regulated by the Intelligence Services Act 1994, provides signals intelligence to counter a range of threats including terrorism. It is also the national technical authority for information assurance, helping keep government communication and information systems safe from hackers and other threats.

HM Treasury is responsible in the United Kingdom for implementing financial measures against terrorists.

The **Department for Transport's Transport Security Directorate (Transec)** is responsible for the security of the travelling public, those employed in the transport industries, and transport facilities through regulation and compliance activities in respect of the aviation, maritime, Channel Tunnel and railways industries. It is also responsible for regulating the security of dangerous goods in transport. TRANSEC also represents the UK on the various international transport security fora, including those within ICAO and IMO.

HM Revenue & Customs has the lead responsibility for detecting prohibited and restricted goods at import and export, including those goods that may be used by terrorists. Customs Officers are also Examining Officers under anti-terrorist legislation under which they provide information and intelligence to the lead counter terrorism agencies and have power to seize terrorist-linked cash anywhere in the United Kingdom.

Immigration control at UK ports of entry rests with the **UK Immigration Service (UKIS)**. UKIS supports police, the security and intelligence agencies through the provision and direct access to information on suspects believed to be connected with terrorist activities. Immigration Officers are also defined as Examining Officers under anti-terrorist Legislation but these powers are only used in exceptional circumstances.

Law Enforcement and Investigations

In England & Wales the **police** are responsible for the investigation of terrorist offences. In Scotland **Procurators Fiscal** are entitled to direct police investigations. However, the police, who report to the Procurator Fiscal on the result of their enquiries, carry out the bulk of initial investigative work. The **Police Service of Northern Ireland** is responsible for policing in Northern Ireland. It currently has lead responsibility within Northern Ireland for national security, though this responsibility is due to move to the Security Service in 2007.

There are 43 regional police forces in England and Wales and 8 in Scotland. The Isle of Man Constabulary, Jersey Police and Guernsey Police cover the dependent islands. British Transport Police provide a policing service for the rail networks throughout Great Britain.

In the event of a terrorist incident, the Police Force within whose boundaries the incident occurs would take immediate control of the management of the incident, but its Chief Officer would normally invite the **National Co-ordinator for Terrorist Investigations (NCTI)** to assist on his or her behalf and to direct, support or guide any subsequent investigation. It has been agreed by the Association of Chief Police Officers that where major crimes occur which form a series, one officer should be in overall command with authority to direct all aspects of the investigation in all the affected police areas.

The Metropolitan Police Special Branch and The Metropolitan Police's Anti-Terrorist Branch have merged to form a single **Counter-terrorism Command (CTC)**. The CTC has responsibility and expertise for reactive and proactive investigations within their force area and can also be called upon by other Chief Officers or at the direction of the NCTI to assist in terrorist investigations outside the Metropolitan Police area. The CTC and the Security Service act in a close partnership to ensure that intelligence is exploited to the maximum to counter terrorist activity.

The **National Co-ordinator of Special Branch** co-ordinates Special Branch policy, sets and monitors standards and issues codes of practice. The National Co-ordinator also draws together Ports Policing with other aspects of Special Branch activity through a deputy, the **National Co-ordinator of Ports Policing (NCP)**.

The **National Terrorist Financial Investigation Unit (NTFIU)**, is the law enforcement agency responsible for the investigation of terrorist finance in Great Britain. It is supported in this role by the Terrorist Finance Unit of the **Serious Organised Crime Agency (SOCA)** which brings together personnel from law enforcement, regulatory and intelligence agencies to examine financial disclosures submitted to it for possible terrorist connections. SOCA also helps to develop intelligence led methodologies to inform future work on terrorist financing.

The **UK Europol National Unit** is also based at SOCA. It sends liaison officers to Europol headquarters, to ensure speedy and secure

exchange of information and intelligence on terrorism and organised crime.

The **International Liaison Section (ILS)** is the national police point of contact for the exchange of information and intelligence on terrorist matters between UK police forces and European and international police agencies. It has counter terrorism liaison officers in a number of overseas capitals.

INTERNATIONAL CO-OPERATION

International Co-operation & Mutual Legal Assistance

Part 1 of the Crime (International Co-operation) Act 2003 provides the general framework for provision of mutual legal assistance. The United Kingdom does not require the existence of a bilateral or multilateral agreement in order to provide assistance to another country (although we would normally expect reciprocity). The exception is for restraint and confiscation of assets, for which we do require the existence of a bilateral or multilateral agreement.

Extradition

The domestic legal framework for extradition is the Extradition Act 2003, which came into effect on 1 January 2004. Parts 1 and 2 of the Act deal with the 100 plus countries with which the UK has extradition relations. Section 193 provides for extradition with those countries with which the UK has no general extradition relations, but who are party to the various UN Conventions which may give rise to extradition relations.

The UK extradites both its own nationals and foreign nationals who have been traced to the UK. The UK's extradition laws are applicable to both terrorist related offences and other crimes.

United Nations Conventions on Terrorism

The UK has signed and ratified the 12 UN Conventions relating to terrorism. In September 2005 the UK signed the UN Convention for the Suppression of Acts of Nuclear Terrorism. The UK plans to ratify this Convention as soon as possible.

The UK fully supported UN Security Council Resolution 1373, which for the first time imposed an obligation on all states to take measures aimed at suppressing terrorism. The UK proposed the text of the UN Security Council Resolution 1624 which calls on all states to enact legislation prohibiting incitement to commit a terrorist act.

Financial Action Task Force against Money Laundering

The UK is a member of the FATF. The UK fully endorses the standards in the recommendations and actively seeks worldwide compliance.

Measures in the EU

The UK is committed to working with its partners in the EU to combat terrorism. It attaches particular importance to the timely, effective and secure exchange of information, measures to make it harder for terrorists to enter the EU undetected,

coordinated action to counter terrorist financing, and work to address the factors which contribute to support for and recruitment into terrorism.

G8

The UK is a member of the G8. The UK's priorities are similar to those it is pursuing in the EU but also include the US SAFTI initiative on travel and transport security.

Relevant Council of Europe conventions – United Kingdom	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	27/01/1977	24/07/1978
Amending Protocol (ETS 190)	15/05/2003	-
European Convention on Extradition (ETS 24)	21/12/1990	13/02/1991
First Additional Protocol (ETS 86)	-	-
Second Additional Protocol (ETS 98)	09/11/1992	08/03/1994
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	21/06/1991	29/08/1991
First Additional Protocol (ETS 99)	21/06/1991	29/08/1991
Second Additional Protocol (ETS 182)	08/11/2001	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	-	-
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	24/11/1983	07/02/1990
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	08/11/1990	28/09/1992
Convention on Cybercrime (ETS 185)	23/11/2001	-
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	-	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	-
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	-	-

