

A
B I L L

TO

Make provision about the prevention of terrorism.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Statement by Secretary of State

- (1) Where the Secretary of State is satisfied that the condition in subsection (2) is met, he may, within the relevant period, certify—
- (a) an Act of Parliament, or
 - (b) specified provisions of an Act of Parliament,
- for the purposes of this Act. 5
- (2) The condition in this subsection is that the main purpose of—
- (a) the Act of Parliament, or
 - (b) the specified provisions of an Act of Parliament,
- is to prevent terrorism. 10
- (3) A decision to certify—
- (a) an Act of Parliament, or
 - (b) specified provisions of an Act of Parliament,
- for the purposes of this Act shall take the form of a certificate.
- (4) A certificate under this section— 15
- (a) shall be laid before Parliament, and
 - (b) shall specify the Act of Parliament or the specified provisions of an Act of Parliament to which the certificate relates.
- (5) In this section “the relevant period” means a period of a week beginning— 20
- (a) in the case of a decision to certify an Act of Parliament, with the date on which the Act was passed, and
 - (b) in the case of a decision to certify specified provisions of an Act of Parliament, with the date on which the Act containing those provisions was passed.

2 Amendment of the Human Rights Act 1998

(1) The Human Rights Act 1998 (c. 42) is amended as follows.

(2) After section 1, insert –

“1A Disapplication for certain provisions relating to the prevention of terrorism

5

The provisions of sections 2 to 18 of this Act shall not apply to –

- (a) an Act of Parliament, or
- (b) specified provisions of an Act of Parliament,

in respect of which a certificate has been laid before Parliament under section 1 of the Prevention of Terrorism (No. 2) Act 2005.”

10

(3) In section 19 (statements of compatibility), in subsection (1), for the word “or” after paragraph (a), substitute –

“(aa) make a statement to the effect that he proposes to certify any Act arising from the Bill, or specified provisions of any Act arising from the Bill, for the purposes of the Prevention of Terrorism (No. 2) Act 2005; or”.

15

3 Habeas corpus, etc., due process and fair trial

(1) Nothing in –

- (a) an Act of Parliament, or
- (b) specified provisions of an Act of Parliament,

in respect of which a certificate has been laid before Parliament under section 1 shall affect the matters specified in subsection (2).

20

(2) The matters specified in this subsection are the rights of a person who is –

- (a) in police detention, or
- (b) otherwise detained,

25

to apply for a writ of habeas corpus or other prerogative remedy and to a fair trial in accordance with due process and the rule of law.

4 Judicial interpretation of certain provisions during public emergency

(1) The Secretary of State may lay before Parliament a declaration –

- (a) that there is a state of public emergency for the purposes of this section, or
- (b) that there is no longer a state of public emergency for the purposes of this section.

30

(2) This subsection applies –

- (a) during the period which –
 - (i) begins with the laying before Parliament of a declaration under subsection (1)(a), and
 - (ii) ends with the laying before Parliament of a declaration under subsection (1)(b), and

35

(b) when a certificate has been laid before Parliament under section 1 in respect of –

- (i) an Act of Parliament, or
- (ii) specified provisions of an Act of Parliament.

40

- (3) When subsection (2) applies, a court or tribunal shall, in determining a question that has arisen in connection with an Act of Parliament or specified provisions of an Act of Parliament in respect of which a certificate has been laid before Parliament under section 1, have due regard to decisions of a Minister of the Crown in respect of terrorist activities constituting a threat to national security.

5

5 Short title

This Act may be cited as the Prevention of Terrorism (No. 2) Act 2005.

Prevention of Terrorism (No. 2) Bill

A

B I L L

To make provision about the prevention of terrorism.

Presented by Mr William Cash.

*Ordered, by The House of Commons,
to be printed, 8th March 2005.*

© Parliamentary copyright House of Commons 2005
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

Bill 78

(xxxxxx)

53/4

xxxbarxxx