

# NATIONAL ARCHIVES

## IRELAND



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Prevention of Terrorism Act

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. The Act has since been renewed annually and the renewal order for the year ending 24 March 1978 was approved by the House of Commons on 9 March with 140 votes in favour and 15 votes against. The legislation, apart from the sections dealing with proscribed organisation, extends to both Great Britain and Northern Ireland.

2. The main provisions of both the 1974 and 1976 Acts are:

- (a) to proscribe the IRA in Great Britain;
- (b) to empower the Home Secretary to make Exclusion Orders;
- (c) to give power to detain without warrant for 48 hours (extendable at the discretion of the Home Secretary for a further 5 days); and
- (d) to provide for security arrangements at ports.

The amendments incorporated in the 1976 Act alter the procedures for making representations against an Exclusion Order and extend the life span of the Act to one year, after which it may be renewed, an indefinite number of times, for up to 12 months.

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. The application of the Act has been closely monitored since it came into force in November 1974. When requests for information as to the present position of a 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 of 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.

5. The following figures give a breakdown of all cases under the Act pursued by the Embassy with the British authorities:

<u>Cause of Complaints</u>	<u>No. of cases raised</u>
Exclusion Orders:	18
Detention (within GB):	38
Detention (at ports of entry):	58

6. 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. In the event only 15 M.P.s voted against the Act's renewal.

Department of Foreign Affairs  
September, 1977

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Statistics Relating to Prevention of Terrorism Acts,  
1974 and 1976

November 1974 - June 1977

Number of Persons involved

Exclusion Orders

Orders made by Home Secretary 98

Orders made in Channel Islands  
and Isle of Man 6

TOTAL: 104

Representations against Orders 20

Orders revoked following  
representations 5

Persons removed from G.B.  
to N.I. 60

to Republic 23

TOTAL: 83

Persons removed from N.I.  
to Republic 2

Detention G.B. N.I.

Detained for up to 48 hours: 589 317

Authorised extensions of detention:  
(up to 5 days) 252

Detained at Ports of Entry: 1,789

TOTAL: 2,630

Charges brought following detention under PTA

	<u>G.B.</u>	<u>N.I.</u>
Offences under Act	11	9
Other offences	101	164
including: Murder	8	54
Attempted murder	3	20
Conspiracy to cause Explosions	12	2
Other Explosives offences	14	42
Firearms offences	7	44
Membership of a Proscribed Organisation		17
Others	55	36

(Breakdown under "other offences" for N.I. relates to number of charges brought rather than to persons charged).