SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 50.

An Act to prevent the commission in Great Britain of further acts of violence designed to influence public opinion or Government policy with respect to Irish affairs; and to confer on the Secretary of State extraordinary powers in that behalf; and for purposes connected with the matters aforesaid. [28th July 1939.]

BE it enacted by the King'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:—

Power of Secretary of State to make orders.

1.—(1) With a view to preventing the commission in Great Britain of acts of violence designed to influence public opinion or Government policy with respect to Irish affairs, the Secretary of State may exercise the powers conferred by this section.

(2) If the Secretary of State is reasonably satisfied that any person in Great Britain is concerned in the preparation or instigation of such acts of violence as aforesaid, or is knowingly harbouring any other person so concerned, and that he is not a person who has been ordinarily resident in Great Britain throughout the last preceding twenty years, or in the case of a person under the age of twenty years throughout his life, he may make

an order (in this Act referred to as an " expulsion order ") against that person requiring him to leave Great Britain.

(3) If the Secretary of State is reasonably satisfied that any person in Great Britain is concerned in the preparation or instigation of such acts of violence as aforesaid, or is knowingly harbouring any other person so concerned, he may make an order (in this Act referred to as a " registration order ") against that person requiring him to register with the police particulars of his full name and address, and to notify any changes in those particulars, to be photographed and measured in accordance with the regulations in force in relation to persons arrested or detained under this Act, and to report to the police in accordance with such requirements as may be provided by the order.

(4) If the Secretary of State is reasonably satisfied that any person is attempting or may attempt to enter Great Britain with a view to being concerned in the preparation or instigation of such acts of violence as aforesaid, and that he is not a person who has been ordinarily resident in Great Britain throughout the last preceding twenty years, or in the case of a person under the age of twenty years throughout his life, he may make an order (in this Act referred to as a " prohibition order ") against that person prohibiting him from entering or being in Great Britain.

(5) When an expulsion order or a registration order has been made against any person, a notice specifying the requirements of the order signed by an officer of police in accordance with directions given by the Secretary of State shall be served on that person as soon as may be after the order is made, and when a prohibition order has been made against any person, a notice specifying the requirements of the order, signed in like manner, may be served on him if at any time he attempts to enter, or is found in, Great Britain.

(6) Any notice of an order served on a person in accordance with the foregoing provisions of this section shall contain a statement informing him of his right to object and to make representations to the Secretary of State within forty-eight hours after the service of the notice and of the manner in which such representations may be made, and in the case of a notice of an expulsion order or registration order the notice shall also inform the

person upon whom it is served whether the order has been made against him—

(*a*) by reason of his being concerned in the preparation or instigation of such acts of violence as aforesaid; or

(*b*) by reason of his knowingly harbouring another person so concerned.

(7) The Secretary of State shall make a report to Parliament at least once in every three months as to the number of occasions on which orders have been made by him under this section and the number of persons with respect to whom such orders have been made.

(8) Any order made by the Secretary of State under this section may be revoked by an order made in like manner.

Effect of orders.

2.—(1) Subject as hereinafter provided, any person on whom notice of an expulsion order or of a prohibition order made against him has been served shall leave Great Britain in accordance with the requirements specified in the notice and shall thereafter, while the order is in force, remain outside Great Britain, and any person upon whom notice of a registration order has been served shall comply with the requirements specified in the notice:

Provided that, if a person upon whom any such notice has been served objects that there are no grounds, or no sufficient grounds, for the making of the order against him, he may within forty-eight hours of the service of the notice send to the Secretary of State representations in writing stating the reasons for his objection, and upon receiving such representations the Secretary of State shall, unless he considers the reasons to be frivolous, refer the matter for the advice of a person nominated by him (not being an officer of police or of any government department) and the person so nominated shall interview the objector and examine his objection, and shall report to the Secretary of State who shall, as soon as may be, re-consider the case and either revoke the order or notify the person against whom it was made of his refusal to do so.

(2) A person against whom an expulsion order or a prohibition order is in force may, in accordance with

directions given by the Secretary of State, be arrested without warrant and be detained so long as he remains in Great Britain or on board a British ship, but, subject as hereinafter provided, any person so arrested shall, as soon as may be thereafter, be placed on board a ship about to leave Great Britain:

Provided that no person shall, without his consent, be so placed on board ship as aforesaid until after the expiration of forty-eight hours from the service upon him of notice of the order made against him, or if he makes representations to the Secretary of State in accordance with the last foregoing subsection until after the decision of the Secretary of State with respect thereto has been notified to him.

Offences and penalties.

3.—(1) If any person on whom notice of an expulsion order or of a prohibition order made against him has been served—

(*a*) fails to comply with any requirement specified in the notice; or

(*b*) is, after leaving Great Britain or after being placed on board a ship in accordance with the provisions of this Act, found in Great Britain while the order is in force,

he shall be liable, on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding four months.

(2) Where any person is charged before any court with an offence under subsection (1) of this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General or Solicitor-General, except such as the court may think necessary by remand or otherwise to secure the safe custody of the person charged, but this subsection shall not apply to Scotland or to any prosecution instituted by or on behalf of the Director of Public Prosecutions.

(3) If any person upon whom notice of a registration order made against him has been served fails to comply with any requirement specified in the notice, he shall be liable, on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding four months.

Supplementary police powers.

4.—(1) Any constable may arrest without warrant any person whom he reasonably suspects to have committed an offence under this Act, or any person whom he reasonably suspects to be a person against whom an expulsion order or a prohibition order is in force, or to be a person concerned in the preparation or instigation of such acts of violence as are mentioned in subsection (1) of section one of this Act, and may detain any person so suspected of being a person against whom such an order is in force or of being a person so concerned as aforesaid, pending the determination of the question whether he is such a person:

Provided that no person shall be detained under the powers of detention conferred by this section for a period exceeding forty-eight hours or such further period, not exceeding five days, as may be authorised by direction of the Secretary of State expressly given in each case.

(2) Any person detained under powers conferred by this Act shall be deemed to be in lawful custody and may be detained in any prison or in any police station or other similar place authorised by the Secretary of State; and the power of the Secretary of State to make regulations under section eight of the Penal Servitude Act, 1891, as to the measuring and photographing of prisoners who may for the time being be confined in any prison, shall extend to the making of regulations as to the measuring and photographing of persons arrested or detained under this Act who may for the time being be detained in any place.

54 & 55 Vict. c. 69.

(3) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that any person is concerned in the preparation or instigation of such acts of violence as are mentioned in subsection (1) of section one of this Act, or is knowingly harbouring any other person so concerned, or that an offence under this Act has been committed, and that evidence of any such matter or offence as aforesaid is to be found at any premises or place specified in the information, he may, on an application made by an officer of police of a rank not lower than that of inspector, grant a search warrant authorising any officer of police named therein, together with any other persons named in the warrant and any other officers of police, to enter the premises or place at any time within one month

from the date of warrant, if necessary by force, and search the premises or place and every person found therein and to seize anything found on the premises or place or on any such person which the officer named in the warrant has reasonable ground for suspecting to be evidence of such matters, or of such an offence, as aforesaid.

(4) Where an officer of police of a rank not lower than that of superintendent has reasonable grounds for believing that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under the last foregoing subsection, and where any authority is so given, particulars of the case shall be notified as soon as may be to the Secretary of State.

(5) No woman shall, in pursuance of a warrant or order given under this section, be searched except by a woman.

(6) In the application of this section to Scotland, a reference to the sheriff shall be substituted for any reference to a justice of the peace.

Short title, and duration

5.—(1) This Act may be cited as the Prevention of Violence (Temporary Provisions) Act, 1939.

(2) This Act shall continue in force for a period of two years from the date of the passing thereof and no longer, so, however, that the provisions of the Interpretation Act, 1889, relating to the effect of repealing enactments shall apply upon the expiry of this Act in like manner as if this Act had then been repealed.

52 & 53 Vict. c. 63.

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