

FSC.EMI/102/08
15 April 2008

ENGLISH only



**United Kingdom
Delegation**

To the Organisation for Security and
Cooperation in Europe (OSCE)
Vienna

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The United Kingdom Delegation to the Organisation for Security and Cooperation in Europe (OSCE) in Vienna presents its compliments to all the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with the Decision of the Forum for Security Cooperation dated 9 April 2003 (FSC.DEC 4/03), has the honour to provide the annual report in respect of the exchange of information on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Delegation of the United Kingdom to the Organisation for Security and Cooperation in Europe avails itself of this opportunity to renew to all other Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Information Exchange on the Code of Conduct

UNITED KINGDOM DELEGATION

VIENNA

15 April 2008

To all Delegations/Permanent Missions to the OSCE
To the Conflict Prevention Centre



ORGANIZATION FOR SECURITY

AND

CO-OPERATION IN EUROPE



UNITED KINGDOM

**INFORMATION EXCHANGE
ON THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS
OF SECURITY**

15 APRIL 2008

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

UNITED KINGDOM MINISTRY OF DEFENCE
INFORMATION EXCHANGE
15 APRIL 2008

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (Paragraph 6):

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

Convention	Signature	Ratification
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963	14 Sep 63	29 Nov 68
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970	16 Dec 70	22 Dec 71
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971	23 Sep 71	25 Oct 73
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973	13 Dec 74	2 May 79
5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979	18 Dec 79	22 Dec 82

6. Convention on the Physical Protection of Nuclear Material, signed at Vienna 3 March 1980	13 Jun 80	6 Sep 91
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988	26 Oct 88	15 Nov 90
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Concluded at Rome on 10 March 1988 Protocol to the above mentioned Convention for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf. Concluded at Rome on 10 March 1988	22 Sep 88	3 May 91
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988	22 Sep 88	3 May 91
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991	1 Mar 91	28 Apr 97
11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997	12 Jan 98	7 Mar 01
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999	10 Jan 00	7 Mar 01
13. International Conventions for the Suppression of Acts of Nuclear Terrorism	14 Sept 05	To Be Confirmed

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

UNITED KINGDOM ADHERENCE TO EUROPEAN CONVENTION ON TERRORISM

European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977	27 Jan 77	24 Jul 78
Council of Europe Convention on the Prevention of Terrorism	16 May 05	To Be Confirmed
Protocol amending the European Convention on the Suppression of Terrorism	15 May 03	To be Confirmed

- The Special European Council on 20 and 21 September 2001 agreed that counterterrorism should be a priority for the Union, both internally and in its relations with third countries. Heads of State and Government endorsed an EU Action Plan on 21 September 2001 to help member States step up the fight against global terrorism and to improve practical co-operation among member states. Measure which the EU has taken since September 2001 include:

- agreement on a Euro arrest warrant and fast-track extradition;
- agreement on common EU offences and penalties for terrorist activity
- conclusion of the EU/US Europol agreement
- agreement on measures to implement UNSCR 1390 and the provisions in UNSCR 1373 relating to the suppression of terrorist financing.

- During the UK Presidency of the EU in 2005, the EU agreed the Counter-Terrorism Strategy which sought to reflect the changing state of the terrorist threat and to bring a greater sense of coherence and prioritisation to the rapidly increasing number of work streams contained within the EU Counter-Terrorism Action Plan elaborated after 9/11. In addition, a Radicalisation and Recruitment Strategy and Action Plan have been developed, along with a corresponding Media Communications Strategy.

(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;

Treaties do not automatically form part of UK law, and, therefore, before ratifying any treaty the UK must consider whether any amendment of domestic law is required to give effect to the obligations that it contains. This will involve an examination of whether the existing common law or statutory provisions are sufficient to implement the treaty in question, and, if not, legislation will be required to make the necessary amendments. The way in which the main provisions of the twelve international Counter-Terrorism Conventions and the European Convention for the Suppression of Terrorism are implemented, is set out below.¹

¹ However it is important to note that the UK is made of three different law districts, namely (i) England and Wales, (ii) Scotland, and (iii) Northern Ireland. Whilst primary legislation that has been introduced specifically to implement treaty obligations will usually apply in all three law districts, aspects of substantive and procedural criminal law differ considerably in each. For the sake of brevity, this reply sets out the position in England and Wales. Implementation of the Conventions differs in a number of respects in Scotland and Northern Ireland.

Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963

Jurisdiction of State of Registration – Article 3

Section 92 of the Civil Aviation Act 1982 provides for the application of the criminal law to offences committed on board British-controlled aircraft in flight outside the UK. The definition of “British-controlled aircraft” is found in section 92(5), and goes somewhat wider than simply aircraft registered in the UK.

Powers of the aircraft commander – Articles 5-10

Section 93 of the Civil Aviation Act 1982 sets out the powers of the commander of an aircraft, so as to give effect to these Articles of the Convention.

Unlawful Seizure of Aircraft – Article 11

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967.

Powers and duties of States - Articles 12-15

The necessary legislative enactment is unnecessary beyond the provision of section 93 of the Civil Aviation Act 1982. Powers of detention are primarily regulated under the Police and Criminal Evidence Act 1984. Powers of removal of aliens are regulated under immigration legislation.

Article 16

It is accepted for the purposes the United Kingdom’s various general extradition arrangements with individual States that offences committed aboard aircraft are considered to be offences committed within the territory of the State of registration of such aircraft – Extradition Act 1989 sections 1(4) and Sch.1, para 14.

In addition extradition is permitted to contracting parties to the Tokyo Convention in respect of offences committed on board aircraft in flight by virtue of section 22 of the Extradition Act 1989 and the Extradition (Tokyo Convention) Order 1997 (SI no. 1997/1768).

Article 18

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

The Hague Convention for the Suppression of Unlawful Seizure of Aircraft 1970

Article 1 – The Offence

Section 1 of the Aviation Security Act 1982 establishes the offence of hijacking in terms similar to the Convention. Under the general criminal law, accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and

Furthermore, legislation needs to be enacted in order to extend the conventions to the Crown Dependencies and Overseas Territories. The first five conventions detailed below have been extended to all of these territories; the process of extending the remaining seven is on-going.

Abettors Act 1861. In addition section 6(2)(a) of the Aviation Security Act 1982 establishes ancillary offences in respect of persons in the UK who induce or assist the commission outside the UK of hijackings of military or police aircraft, or aircraft for which the place of take-off and landing is the same as that of the State of registration (matters excluded from the scope of the Convention under Article 3(2) and (3)).

Article 2 - Penalty

The offence of hijacking is punishable by life imprisonment (section 1(3) of the Aviation Security Act 1982).

Article 3 – Interpretation and exclusions

The interpretation of when an aircraft is considered to be in flight for the purposes of the Convention (Article 3(1)) is mirrored in section 38(3) of the Aviation Security Act 1982. The excluded matters in Articles 3(2) (military and police aircraft) and (3) (aircraft for which the place of take-off and landing is the same as that of the State of registration) are mirrored in section 1(2) of the Aviation Security Act 1982, except (i) where the hijackers of such planes are UK nationals or (ii) the hijacking occurs in the UK or (iii) the aircraft is registered in the UK or used in the service of the UK military or police.

Article 4 - Jurisdiction

Hijacking is an offence under section 1 of the Aviation Security Act 1982, whether it takes place in the UK or elsewhere. In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General. Provision is also made for extraterritorial jurisdiction over a number of ancillary offences committed in connection with a hijacking, including homicides and various other offences against the person, as well as explosives offences (section 6(1) of the Aviation Security Act 1982).

Article 5 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 7 aut dedere aut iudicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of The Hague Convention in respect of offences under sections 1, 6(1) and 6(2)(a) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Hijacking) Order 1997 (SI no. 1997/1763).

Article 9 – Preventive Measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Article 11 – Notifications

Specific legislative authority is not required in this respect.

The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971

Article 1 – The Offences

The offences set out in Article 1(1) are reflected in the provisions of sections 2(1), 2(2), 3(1), and 3(3) of the Aviation Security Act 1982.

As regards attempts and accomplices for the purposes of Article 1(2), section 2(2) of the Aviation Security Act 1982 provides that it is an offence to place a device or substance on an aircraft which is likely to destroy or damage it. Additionally under the general criminal law, attempts to commit one of these offences are covered by the Criminal Attempts Act 1981, and accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and Abettors Act 1861.

Further, section 6(2)(b) of the Aviation Security Act 1982 establishes an ancillary offence in respect of persons in the UK who induce or assist the commission outside the UK of the destruction or sabotage of military or police aircraft, or the commission of violent acts which are likely to endanger the safety of such aircraft. Section 6(2)(c) establishes an ancillary offence in respect of persons in the UK who induce or assist the commission outside the UK of destruction or damage to property likely to endanger the safety of aircraft. Section 6(2)(c) also establishes an ancillary offence in relation to persons in the UK who induce or assist the commission outside the UK of the communication of false or misleading information which endangers or is likely to endanger the safety of aircraft in flight.

Article 2 Interpretation

The interpretation of when an aircraft is considered to be “in flight” or “in service” for the purposes of the Convention is mirrored in section 38(3) of the Aviation Security Act 1982.

Article 3 Penalties

Offences under Sections 2 and 3 of the Aviation Security Act 1982 are punishable by life imprisonment.

Article 4 – Exclusions

The UK legislation limits the exclusions in Article 4 of the Convention in certain respects.

Article 5 – Jurisdiction

The offences under section 2 of the Aviation Security Act 1982, (i.e. the destruction or damage to aircraft in service, acts of violence which endanger the safety of aircraft, and placing of a device or substance on board an aircraft likely to destroy or damage aircraft or endanger their safety) are offences in UK law, whether they are committed in the UK or elsewhere, whatever the nationality of the accused, and whatever the State in which the aircraft is registered (section 2(3)). In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General.

For the offences under section 3 of the Aviation Security Act 1982 (i.e. the destruction or damage to property such as to endanger the safety of aircraft in flight, and the communication of false or misleading information such as to endanger the safety of aircraft in flight), the grounds of jurisdiction are set out in section 3(5) and reflect the grounds set out in Article 5(1) of the Convention.

Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 7 – aut dedere aut judicare

Specific legislative implementation of this provision in UK law, is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Montreal Convention in respect of offences under sections 2, 3, 6(2)(b) and 6(2)(c) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Aviation Security) Order 1997 (SI no. 1997/1760).

Article 9 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

Article 10 – Preventive measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

Article 11 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Articles 12 and 13 - Notifications

Specific legislative authority is not required in this respect.

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 1973

Articles 1 and 2 – The Offences

Most of the offences set out in Article 2(1) are offences against the general criminal law in the UK, whether committed against internationally protected persons or not. Hence murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily or causing injury, kidnapping, abduction, false imprisonment or plagiarism, as well as the various statutory offences under sections 18, 20-24, 28-30, and 56 of the Offences Against the Persons Act, and the offence of causing explosions with intent to endanger life under s.2 of the Explosive Substances Act 1883, are well-established offences when committed in the United Kingdom. Similarly criminal damage and arson are established statutory offences under the Criminal Damage Act 1971 when committed within the UK.

However section 1(1) of the Internationally Protected Persons Act 1978 provides for the application of the law extraterritorially when these offences are committed against an internationally protected person.

Section 1(2) of the 1978 Act also provides that attempts to commit one of those acts, or aiding or abetting others to do so, whether the attempt or aiding or abetting took place in the UK or not is an offence. Similarly section 1(3) creates the offence of threatening to commit one of the offences, or attempting, aiding or abetting such threat.

Article 3 – Jurisdiction

The offences under section 1 of the Internationally Protected Persons Act are offences for the purposes of UK law whether they are committed within the UK or not. However in relation to offences under the Act (i.e. essentially those involving the assertion of extraterritorial jurisdiction, proceedings require the consent of the Attorney-General (section 2 of the 1978 Act).

Articles 4 and 5 - Preventive measures and co-operation

No specific legislative measures are necessary beyond the usual police powers and the arrangements for co-operation in this respect.

Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 7 aut dedere aut judicare

Specific legislative implementation of this provision in UK law, is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1)(a), 1(1)(b) and 1(3) of the Internationally Protected Persons Act 1978, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Internationally Protected Persons) Order 1997 (SI no. 1997/1764).

Article 9 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Article 11 – Notification

Specific legislative authority is not required in this respect.

The International Convention against the Taking of Hostages 1979

Article 1- The Offence

The offence of “hostage-taking” is established in UK law by section 1 (1) of the Taking of Hostages Act 1982 in similar terms to Article 1(1) of the Convention. As regards attempts and accomplices (Article 1(2)), under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

Article 2 - Penalty

The offence of hostage taking is punishable by life imprisonment (section 1(2) of the Taking of Hostages Act 1982).

Article 3

No specific legislative enactment is required in this respect.

Article 4 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

Article 5 - Jurisdiction

Hostage taking is an offence under section 1 of the Taking of Hostages Act 1982, whether it takes place in the UK or elsewhere. By section 2 of that Act, proceedings require the consent of the Attorney-General.

Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 7 – Notification

Specific legislative authority is not required in this respect.

Article 8 aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Articles 9 and 10 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under the Taking of Hostages Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Taking of Hostages) Order 1997 (SI no. 1997/1767).

Article 11 - Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Articles 12-15

No legislative enactment is required in these respects.

The Convention on the Physical Protection of Nuclear Material 1979

Article 7 - The Offences

Most of the offences set out in Article 7 are offences against the general criminal law in the UK, whether committed in relation to nuclear material or not. Hence murder, manslaughter, culpable homicide, assaults as well statutory offences under sections 18 and 20 the Offences Against the Persons Act, and section 1 of the Criminal Damage Act 1971, are well-established offences when committed in the UK law. Similarly theft, embezzlement, robbery, burglary, aggravated burglary, fraud and extortion are established offences when committed within the UK.

However section 1(1) of the Nuclear Materials Act 1983 provides for the application of the criminal law extraterritorially when these offences are committed outside the UK in relation to or by means of nuclear material.

Section 2 of the 1983 Act also provides that preparatory acts and threats to obtain nuclear material in relation to these offences shall themselves be offences (in accordance Article 1(1) (e) and (g) of the Convention). In addition under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

Penalties vary in according to the different crimes charged. An indication of the gravity with which these crimes are viewed in UK law can be seen from section 2(5) of the 1983 Act which provides for a maximum sentence of 14 years, in relation to the offences concerning preparatory acts and threats in section 2.

Article 8 – Jurisdiction

The offences under sections 1 and 2 of the Nuclear Material (Offences) Act 1983 are offences for the purposes of UK law whether they are committed within the UK or not. However in certain cases, essentially involving the assertion of extraterritorial jurisdiction, the consent of the Attorney-General is required in relation to prosecutions (section 2 of the 1978 Act).

Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 10 - aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1) and 2 of the Nuclear Material (Offences) Act 1983, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Protection of Nuclear Material) Order 1997 (SI no. 1997/1765).

Article 12 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

Article 13 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Protocol for the Suppression of Unlawful Acts of Violence at Airports 1988

This supplementary Protocol to the 1971 Montreal Convention is given effect in UK law under section 1 of the Aviation and Maritime Security Act 1990. The offences set out in Article 1 of the Protocol are given effect in UK law by sections 1(1) and 1(2) of the 1990 Act. Offences are punishable by life imprisonment (section 1(5)). Extraterritorial jurisdiction is provided for under Section 1(3), but the consent of the Attorney-General is required for the institution of proceedings (section 1(7)). Extradition is provided for as per the 1971 Montreal Convention.

The Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988

Article 3 – The Offences

The offences set out in Article 3(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

- section 9 - hijacking of ships;
- section 11(1)(c) - acts of violence such as to endanger a ship;
- section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of ships;
- section 11(2) - placing on board of a device or substance likely to destroy or damage a ship;
- section 12(1) - destruction or damage of maritime navigational facilities;
- section 12(3) - communication of false information endangering safety of ships;
- section 14 - violent acts ancillary to the commission of the offences in sections 9, 11, and 12.

As regards attempts and accomplices (Articles 3(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. In accordance with Article 3(2)(c), threats are made offences by section 13 of the Aviation and Maritime Security Act 1990.

Article 5 – The penalties

The offences contained in sections 9, 11, 12 and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 9(3), 11(6), 12(7) and 13(5) respectively).

Article 6 – Jurisdiction

The offences under sections 9, 11, 12, 13 and 14 of the Aviation and Maritime Security Act 1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 10 - aut dedere aut judicare and fair treatment

Specific legislative implementation of Article 10(1) in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it. There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 9, 11,12, or 13 of the Aviation and Maritime Security Act 1990, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Safety of Maritime Navigation) Order 1997 (SI no. 1997/1766).

Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Article 13 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

Articles 14 -15 - Notifications

No legislative enactment is required in these respects.

Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf

Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

- section 10 - seizure of platforms;
- section 11(1)(c) - acts of violence such as to endanger the safety of a platform;
- section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of a platform;
- section 11(2) - placing on board of a device or substance likely to destroy or damage a platform;
- section 14 - violent acts ancillary to the commission of the offences in sections 10 and 11.

As regards attempts and accomplices (Articles 2(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Threats under Article 2(2)(c) are made offences by section 13 of the Aviation and Maritime Security Act 1990.

Article 5 – The penalties

The offences contained in sections 10, 11, and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 10(2), 11(6), and 13(5) respectively).

Article 6 – Jurisdiction

The offences under sections 10, 11, 13 and 14 of the Aviation and Maritime Security Act

1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

In other respects the Protocol is implemented in UK law as per the 1988 Rome Convention.

The Convention on the Marking of Plastic Explosives for the Purposes of Detection 1991

The Convention is implemented in UK law by *the Marking of Plastic Explosives for Detection Regulations 1996* (SI No. 890/1996), made under enabling powers in the Health and Safety at Work Act 1974. The Regulations prohibit the manufacture of unmarked explosives in accordance with Article II of the Convention. The Regulations prohibit the importation into the UK of unmarked explosives. Further restrictions to prohibit and prevent the transfer into or out of the territory of the UK in accordance with Article III may be given effect through the licensing system generally applicable to importation and exportation. The Regulations also prohibit the possession of unmarked explosives and save in respect of stocks held for military and police purposes.

The International Convention for the Suppression of Terrorist Bombings 1997

Article 2 – The Offences.

Offences relating to explosives have long been apart of UK criminal law. The Offences Against the Person Act 1861 provides for the following offences

- (a) causing bodily harm by gunpowder (section 28);
- (b) causing gunpowder to explode with intent to do grievous bodily harm (section 29); and
- (c) placing gunpowder near a building with intent to cause bodily injury.

In addition under the Explosive Substances Act 1883 the following are offences:

- (a) causing an explosion likely to endanger life or property (section 2);
- (b) doing any act with intent to such explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property (section 3);
- (c) acting as an accessory to either of the above offences (section 5)

Section 1 of the Biological Weapons Act 1974, and section 2 of the Chemical Weapons Act 1996, create various offences concerning the use possession and development of biological and chemical weapons respectively. Similar offences in relation to the use of nuclear weapons are established under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

As regards attempts and accomplices (Articles 2(2) and 2(3)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.

Finally a person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

Article 4 – Domestic Criminal Law and Penalties

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. Offences under section 2,3 and 5 of the Explosive Substances Act 1883; section 1 of the Biological Weapons Act 1974; section 2 of the Chemical Weapons Act 1996; and section 47 of the Anti-Terrorism, Crime and Security Act 2001 are all punishable by life imprisonment.

Article 5

The offences in UK law cited above are offences regardless of such motivations on the part of the accused.

Article 6 – Jurisdiction

By virtue of section 62 of the Terrorism Act 2000 extraterritorial jurisdiction is extended over the offences under Articles 2, 3 and 5 of the Explosive Substances Act 1883, and the offences in section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted. Extraterritorial jurisdiction is also exercisable with the consent of the Attorney-General in respect of offences relating to use etc of nuclear weapons under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 8 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 9 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 2,3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996, by virtue of section 22 of the Extradition Act 1989 (as amended by section 64 of the Terrorism Act 2000).

Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Article 11 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 2,3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996 shall not be considered political offences for the purposes of the political offence exception in extradition.

Article 14 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law,

notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

Article 15 – preventive measures

In relation to Article 15(a) it should be noted that by virtue of sections 59-61 of the Terrorism Act 2000 incitement to terrorism overseas is an offence in UK law.

The International Convention for the Suppression of the Financing of Terrorism 1999

Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are reflected in UK law in the following offences under the Terrorism Act 2000:

- (a) Fund-raising for the purposes of terrorism (section 15);
- (b) Use and possession of money for the purposes of terrorism (section 16);
- (c) Involvement in funding arrangements for the purposes of terrorism (section 17);
- (d) Money laundering and similar offences in relation to terrorist property (section 18).

As regards attempts and accomplices (Articles 2(4) and 2(5)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.

A person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

Article 4 – Domestic Criminal Law and Penalties

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. The maximum custodial sentence in relation to offences under section 15-18 of the Terrorism Act 2000 is 14 years imprisonment (section 22). The offence of directing a terrorist organisation under section 56 of that Act is punishable by life imprisonment.

Article 6

The ideological or similar other motivation of the offender offers no excuse in relation to the offences under section 15-18 of the Terrorism Act 2000, but rather is a defining element of “terrorism” for the purposes of the Act (section 1).

Article 7 – Jurisdiction

By virtue of section 63 of the Terrorism Act 2000 general extraterritorial jurisdiction is extended over the offences under sections 15-18 of the same Act. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted.

Article 8 – Seizure of Terrorist Funds

In addition to general powers of the police and other financial authorities to freeze and forfeit funds and property used in connection with criminal and prohibited activities, the Terrorism Act 2000 provides additional powers in relation to the investigation, freezing and forfeiture of terrorist funds.

Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Code of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

Article 10 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.

Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 15-18 of the Terrorism Act 2000, by virtue of section 22 of the Extradition Act 1989 (as amended by s.64 of the Terrorism Act 2000).

Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

Article 14 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 15-18 of the Terrorism Act 2000 shall not be considered political offences for the purposes of the political offence exception in extradition.

Article 17 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

European Convention on the Suppression of Terrorism 1977

Articles 1 and 2 – Exclusion of the Political Offence Exception

The exclusion of the political offence exception in extradition proceedings in connection with the crimes listed in Article 1 of the Convention, is implemented in UK law under Section 1 of the Suppression of Terrorism Act 1978. The full list of crimes in UK law to which the exclusion applies is set out in Schedule 1 to the Act.

Article 4 – Extraditable Offences

This Article is given effect in UK law by section of the Suppression of Terrorism Act 1978.

Article 6 – Jurisdiction

Under section 4 of the Suppression of Terrorism Act 1978 jurisdiction can be asserted over certain of the offences contained in Schedule 1 to the Act where they were committed in the territory of a State party to the Convention. However the consent of the Attorney-General is

required in relation to prosecutions for acts made unlawful under that section 4(4) of that Act (i.e. in cases in which extraterritorial jurisdiction is claimed).

Article 8 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.

Article 9 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);

A summary of the Prevention of Terrorism Act 2005

The Prevention of Terrorism Act 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.

The meaning of involvement in terrorist-related activity for the purposes of the Act is set out in section 1(9) and refers to:

- The commission, preparation and instigation of acts of terrorism (CPI)
- Conduct which facilitates CPI
- Conduct which gives encouragement to CPI
- Conduct which gives support and assistance to individuals involved in terrorist-related activity

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.

Section 1(3) confers powers on the person making the control order (either the Secretary of State or the court) to impose such obligations as are deemed necessary for preventing/restricting the individual’s involvement in terrorist-related activity. Express examples of obligations that may be imposed on a controlled person are listed in section 1(4) of the Act, which include the following:

- prohibitions on the possession or use of certain items
- restriction on movement to or within certain areas
- restrictions on communications and associations, and requirements as to place of residence
- prohibitions or restrictions on leaving the UK
- restrictions upon the use of specified services or facilities. (e.g. the use of bank accounts, credit cards)
- restrictions upon employment

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. It is also an offence to intentionally obstruct the person serving the control order upon the individual, punishable by 6 months imprisonment.

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

Two types of control order

Control orders which impose obligations that do not require a derogation from Article 5 of the ECHR are known as “non-derogating” control orders. Those that do require a derogation, to impose conditions amounting to a deprivation of liberty, are known as “derogating” control orders.

i. Non-derogating orders

Sections 2 and 3 of the Act govern the making of non-derogating control orders. The Secretary of State makes the decision that there are grounds to impose the control order and what obligations it should contain, but he must apply to the court for permission before actually making it. To make a control order, the Secretary of State must have reasonable grounds for suspecting that the person is or has been involved in terrorist-related activity, and must consider it necessary in the interests of protecting the public from terrorism.

In considering an application for permission to make an order, the court must judge whether the Home Secretary’s decision that there are grounds to make the order was “obviously flawed”. The application for permission will be considered *ex parte*. Where permission is granted, the case is then referred automatically to the court for a full *inter partes* hearing. This is effectively a judicial review of the initial decision (the test being whether the Secretary of State’s decisions were “flawed”). The evidence will be considered in both open and closed sessions depending on its sensitivity. In closed sessions, the interests of the subject will be represented by a special advocate.

In cases where urgent action is required, the Secretary of State may impose the order without the prior permission of the court. In such cases, the Secretary of State must immediately refer the matter to the court, and the court must begin its consideration of the case within 7 days of the making of the order. The test to be applied on this initial consideration is the same as in the permission hearing described above (“obviously flawed”). If the order is confirmed by the court, a full hearing on ordinary judicial review principles will be directed.

Non-derogating control orders last for a period of 12 months but may be renewed. It is open to the subject to apply for modifications or revocation of the control order if circumstances change in the interim.

ii. Derogating orders

Section 4 of the Act governs the making of derogating control orders. The court makes derogating control orders on application by the Secretary of State. Derogating control orders can be made only if the necessary derogation from ECHR is in place. In granting the initial application (which will be heard *ex parte*), it must appear to the court that there is material

which if not disproved is capable of establishing involvement in terrorist-related activity, and that there are reasonable grounds for believing that the imposition of the obligations is necessary to protect the public from terrorism. Where an order is made, the court must then refer the case for a full hearing.

At this inter partes hearing, the court considers the case afresh and must be satisfied on the balance of probabilities that the individual is or has been involved in terrorist-related activities and that it considers the imposition of the obligations is necessary to protect the public from terrorism. If it is so satisfied, it will confirm the order. If it is not so satisfied it may revoke the order, or modify the obligations contained within it.

A derogating order lasts for a period of 6 months, but may then be renewed by the courts.

General

Either type of control order may be modified should there be a change in the circumstances surrounding the individual. However, the Act does not allow for a modification to be made that upgrades a non-derogating control order into a derogating control order.

NB. In order to impose derogating control orders the UK would need to derogate from Article 5 (right to liberty) of the ECHR. The government has no plans at the current time to seek such a derogation.

Arrest and detention powers

In the case of derogating control orders, section 5 of the Act empowers the police to arrest and detain the subject of the proposed control order pending consideration of the application to make the order by the court, if such detention is necessary in order to ensure that service of the order can be made. The Act allows for an individual to be detained for a period of 48 hours, and this period may be extended by a further 48 hours, if necessary, by the court.

In respect of non-derogating control orders, the obligations imposed by the order may require the individual to comply with restrictions which may amount to detention for a maximum of 24 hours, in order to make the necessary arrangements for imposing or monitoring the control orders (e.g. establishment of tagging arrangements). Such provisions may not extend beyond 24 hours, and although amounting to a deprivation of liberty, do not require a derogation by virtue of Article 5(1)(b).

Criminal Investigations

Section 8 of the Act provides that the Secretary of State must consult the chief officer of the relevant police force regarding the possibility of prosecuting the individual involved, before applying for or making a control order. The Act further provides that where a control order has been made, the relevant police force will continue to keep the investigation and the possibility of prosecuting under review.

Duration and Review of the Act

The Act is required to be renewed annually by Parliament and will be reported on by an appointed independent reviewer. The reviewer will also be required to have regard to the

impact of other counter-terrorism legislation on the provisions of the Prevention of Terrorism Act 2005. Reports will be laid before Parliament and will help inform the annual renewal debates. The first such report will be due 9 months after the Act was passed.

The Act further requires the Secretary of State to report quarterly to Parliament on the exercise of the powers under the Act.

(e) Roles and missions of armed and security forces in preventing and combating terrorism;

Armed forces only - the UK does not have paramilitary or security forces. The British Armed Forces have developed a wide range of capabilities and, in the right circumstances, some of these could be made available to assist police forces in the United Kingdom. Military Aid to the Civil Power (MACP) is the provision of military assistance to the Civil Power in the maintenance of law, order and public safety using specialist capabilities or equipment, in situations beyond the capacity of the Civil Power. Prime responsibility for the Queen's peace lies with the Police. A standard procedure exists whereby Chief Constables submit a request for military assistance through the Home Office which provides clear evidence for the Armed Forces to provide a capability that the Police do not have. The Home Office will forward the request to the Ministry of Defence. In most cases Ministerial approval will be sought. There may be exceptional circumstances in which an immediate danger or grave emergency makes it essential, in order to avert death or injury or unacceptable damage, for a military commander to respond to a MACP request without first obtaining approval or instructions from the MOD. Common Law imposes a duty on every citizen, Servicemen included, to go to the aid of the Civil Power, at its request.

(f) The International Convention for the Suppression of Acts of Nuclear Terrorism 2005

Article 2 - The Offences.

The Terrorism Act 2006 provides for the following offences:

Making and possession of devices or materials (section 9);

- (1) A person commits an offence if—
- (a) he makes or has in his possession a radioactive device, or
 - (b) he has in his possession radioactive material,

with the intention of using the device or material in the course of or in connection with the commission or preparation of an act of terrorism or for the purposes of terrorism, or of making it available to be so used.

Misuse of devices or material and misuse and damage of facilities (section 10);

- (1) A person commits an offence if he uses—
- (a) a radioactive device, or
 - (b) radioactive material,

in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism.

(2) A person commits an offence if, in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism, he uses or damages a nuclear facility in a manner which—

- (a) causes a release of radioactive material; or
- (b) creates or increases a risk that such material will be released.

Section 47 of the Anti-Terrorism, Crime and Security Act 2001 creates offences relating to nuclear weapons. The offences under that section relate to causing a nuclear explosion, developing, producing, possessing and transferring nuclear weapons, and engaging in military preparations with the intention of using, or threatening to use, a nuclear weapon.

As regards threats and demands (Articles 2(2)(a) and (b)) this is covered by section 11 of the Terrorism Act 2006, **Terrorist threats relating to devices, materials or facilities.**

As regards attempts (Article 2(3)), under the general criminal law, attempts are covered, in England and Wales, by the Criminal Attempts Act 1981, in Scotland, by section 294(1) of the Criminal Procedure (Scotland) Act 1995 and, in Northern Ireland, by Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983. As regards accomplices (Article 2(4)), accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is an offence by virtue, in England and Wales, of section 1 of the Criminal Law Act 1977, in Northern Ireland, of Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and, in Scotland, at common law.

Article 5 – criminalisation and punishment

The offences are made criminal offences by virtue of sections 9, 10, and 11 of the Terrorism Act 2006 (as above). A person guilty of these offences shall be liable, on conviction on indictment, to a maximum sentence of imprisonment for life.

Article 6 – Consideration of the political etc nature of the offence

The ideological or similar other motivation of the offender offers no excuse in relation to the offences under section 9-11 of the Terrorism Act 2006.

Article 7 – International co-operation on prevention and exchange of information

Specific legislative implementation of this Article in UK law is unnecessary. Also see reference to article 14 below.

Article 8 – Protection of radioactive material

The Radioactive Substances Act 1993 regulates registration relating to the keeping and use of radioactive material and mobile radioactive material (sections 6 to 12) and authorisations relating to the disposal or accumulation of radioactive waste (sections 13 to 18). The offences in section 32 relate to this system of registration or authorisation and those in section 33 concern breach of section 19 (duty to display documents) and section 20 (retention and production of site and disposal records).

It is also a criminal offence in the UK to trespass on a nuclear site by virtue of section 12 of the Terrorism Act 2006. Also see Article 18 below.

Article 9 - Jurisdiction

By virtue of section 17 of the Terrorism Act 2006, the UK courts have jurisdiction over acts that amount to the offences under sections 9 to 11 of that Act, even if the acts occur outside the UK and regardless of the nationality of the person doing the acts. Section 17 also confers

jurisdiction on the UK courts in respect of the offences of conspiracy to commit an offence under sections 9 to 11, inciting such an offence, attempting such an offence and aiding, abetting, counselling or procuring such an offence. However section 19 of the Terrorism Act 2006 requires the consent of the Director of Public Prosecutions to all prosecutions, and of the Attorney General in a case in which it appears that an offence has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom. Section 51 of the Anti-Terrorism, Crime and Security Act 2001 provides that the UK courts have jurisdiction over an offence under section 47 of that Act relating to use etc of nuclear weapons even if the offence is committed outside the UK. All prosecutions under section 47 require the consent of the Attorney General.

Article 10 - Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000.

Article 11 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

Article 12 - Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

Article 13 - 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 and who have been designated by order under that section.

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.

Article 14 - 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).

Article 15 - Exclusion of the Political Offence Exception

In the UK the Extradition Act 2003 has completely dispensed with the political offence exception rule.

Article 17 – Transfer of prisoners

The provisions about the transfer of prisoners to give evidence in sections 5 and 6 of the

Criminal Justice (International Co-operation) Act 1990 are adequate to deal with this provision.

Article 18 – Obligations concerning seized radioactive devices and material
Specific implementing legislation is not required. The UK is already bound by its international obligations to the IAEA, by treaties such as the Nuclear Non-Proliferation Treaty, and the jurisprudence of the European Court of Justice in relation to EURATOM.

Terrorism Act 2006 – Additional Information

Part 1 (Offences) provides for new offences, amendments to existing offences, and makes incidental provisions about terrorism offences. Part 1 creates offences relating to the encouragement of acts of terrorism, and to the dissemination of terrorist publications. Part 1 makes specific provision about how these two new offences are to apply to those providing and using the internet and other electronic services. It also creates offences relating to the preparation of terrorist acts and terrorist training; the making, possession or use of radioactive devices and materials; the making of terrorist threats relating to radioactive devices, materials, or nuclear facilities; and trespass on nuclear sites. The Act increases penalties for possession for terrorist purposes; offences relating to nuclear material; and offences relating to the contravention of a notice relating to encrypted information. Part 1 also sets out new procedures to be followed in the preparation of terrorist cases for trial. Schedule 1 sets out a list of "Convention offences" that are referred to in Part 1. These represent the parallel offences in UK law to those offences mentioned in the Council of Europe Convention on the Prevention of Terrorism.

Part 2 (Miscellaneous provisions) includes an amendment to the grounds on which the Secretary of State is empowered to proscribe organisations, a process through which a proscribed organisation may be identified by another name, and amendments to police and investigatory powers. These changes affect:

- Powers to detain terrorist suspects under the Terrorism Act 2000, and the grounds on which such detention may be authorised. The provisions extending the maximum length of time a person can be detained under Schedule 8 to the Terrorism Act 2000 from 14 to 28 days will have effect for one year after their commencement but they can be extended by order made by the Secretary of State for periods of up to a year each.
- Powers to search premises, and seize material under Schedule 5 to the Terrorism Act 2000
- Powers to seize, and seek forfeiture of, terrorist publications
- Powers to search at ports under Schedule 7 to the Terrorism Act 2000, and to issue authorisations to stop and search under Section 44 of the Terrorism Act 2000
- Powers to issue authorisations or warrants to carry out acts under the Intelligence Services Act 1994
- Powers to issue, and amend the schedules of intercept warrants
- Powers to seek disclosure notices under the Serious Organised Crime and Police Act 2005
- The definition of terrorism, as set out in the Terrorism Act 2000
- The process under which terrorist cash-seizure hearings are heard under the Terrorism Act 2000

Schedule 2 sets out the method by which forfeiture proceedings should be carried out, following a seizure of terrorist publications.

Part 3 (Supplemental provisions) provides for the oversight of the operation of Part 1 of the Act and the Terrorism Act 2000 through an independent annual review to Parliament. It also includes a number of consequential amendments and repeals.

Territorial Extent

The Act extends to the whole of the UK except the provisions in section 17 relating to the use of explosives in a manner that does not relate to terrorism. These provisions do not extend to Scotland (since offences relating to the use of explosives other than in relation to terrorism is a devolved matter).

2. Description of the national planning and decision-making process, including the role of the Parliament and Ministries, for the determination / approval of:

(a) The Military Posture;

Secretary of State and Ministers

The Secretary of State for Defence is responsible for the formulation and conduct of defence policy. He is supported by a Minister of State for the Armed Forces and two Parliamentary Under-Secretaries of State.

Strategic Control

Beneath Ministers lies the top management of the MoD, comprising eleven senior officials and Service officers. The Secretary of State has two principal advisers: the Permanent Under Secretary of State (PUS), and the Chief of the Defence Staff (CDS). They share responsibility for much of the Department's business, reflecting the input that both military and civilian personnel make to political, financial, administrative and operational matters. The PUS has primary responsibility for policy, finance and administration in the Department. He is the MoD's Principal Accounting Officer and is personally accountable to Parliament for the expenditure of all public money voted for Defence purposes. CDS is the professional head of the Armed Forces and the principal military adviser to the Secretary of State and the Government. PUS and CDS each have a deputy; the Second Permanent Under Secretary of State (2nd PUS), and the Vice Chief of the Defence Staff (VCDS). They jointly head the Central Staff or Head Office.

Defence is managed through a system of high level boards and committees that provide corporate leadership, with strategic control and direction flowing from the Defence Council, the Defence Management Board (DMB) and the Chiefs of Staff Committee. This ensures that the Department operates as one entity.

The Defence Council

The Defence Council is the senior Departmental committee. It is chaired by the Secretary of State, and comprises the other Ministers, the PUS and CDS, and other senior Service officers and officials. It provides the formal legal basis for the conduct of defence in the UK through a range of powers vested in it by statute and Letters Patent.

The Defence Management Board (DMB)

The DMB is the highest, non-ministerial committee in the MoD. Chaired by PUS, it is essentially the main corporate board of the MoD, providing senior level leadership and strategic management of Defence. Its role is to deliver the Defence aim set out in the Public Service Agreement; it also owns the Defence Vision. The Board is made up of the non-Ministerial members of the Defence Council, the Department's Finance Director and two external, independent members. The DMB is responsible for:

- The Role of Defence – providing strategic direction, vision and values;
- Objectives and Targets – establishing the key priorities and defence capabilities necessary to deliver the MoD's Departmental objectives;
- Resource Allocation and Strategic Balance of Investment – to match Defence priorities and objectives; and
- Performance Management – managing and driving corporate performance.

The Chiefs of Staff Committee

The Chiefs of Staff Committee is chaired by CDS and is the main forum in which the collective military advice of the Chiefs is obtained on operational issues, and through which CDS discharges his responsibility for the preparation and conduct of military operations.

The Service Boards

Whilst the DMB is responsible for managing the delivery of key Departmental outputs, the administration of the single Services and their personnel is delegated to the Service Boards (the Admiralty, Army and Air Force Boards) from the Defence Council. The Service Boards are chaired by Ministers and monitor Service performance as well as exercising quasi-judicial functions, such as discipline and redress of grievance.

Service Executive Committees (SECs)

SECs assist their Service Chiefs in their roles as members of the DMB and in their operational and management advisory roles within the Department. The Committees bring together, under their respective single Service Chief of Staff, the operational and personnel commanders for each service, and are responsible for translating defence wide objectives into priorities and targets for each Service. The Committees are:

- The Navy Board;
- The Executive Committee of the Army Board; and
- The Air Force Board Standing Committee.

The Ministry of Defence

The MOD is responsible for leading the defence contribution to the development of the Government's foreign and security policy and wider HMG objectives, and for translating

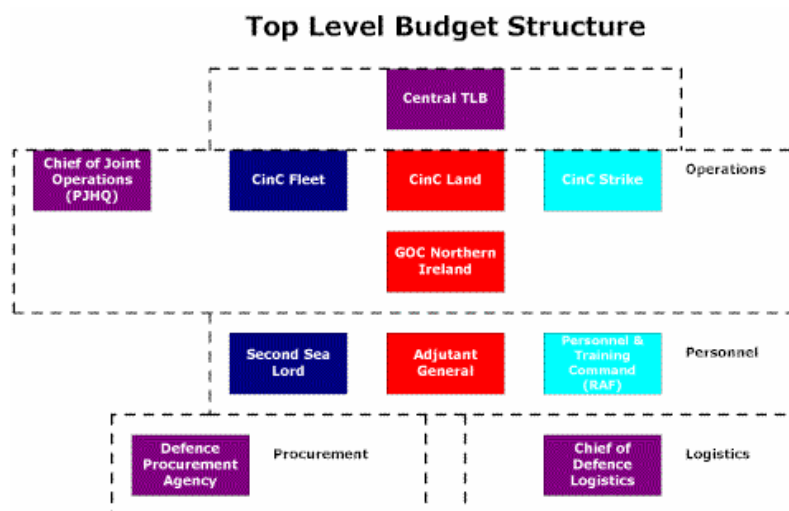
those objectives into departmental policy and the defence capability needed to deliver it. The MOD has four main roles:

- advising government on defence
- making policy and setting departmental strategy
- planning and resource allocation
- management of defence which specifies the outputs required of that TLB, the

(b) Defence Expenditures;

The Government carries out a Spending Review every two years to allocate Departmental Budgets. Spending Reviews set firm and fixed three-year Departmental Expenditure Limits and, through Public Service Agreements, define the key improvements that the public can expect from these resources. The 2004 Spending Review set new spending plans for 2006-07 and 2007-08, and confirmed the spending plans which were set for 2005-06 in the 2002 Spending Review.

The Defence Management Board is the executive board of the Defence Council and is responsible for directing a number of key processes, in particular the annual re-costing of the Defence programme and the Departmental planning process. Most defence activity takes place outside of the Ministry of Defence head office in London and is managed through the Top Level Budget (TLB) holders and Trading Funds. The Permanent Secretary grants each TLB extensive delegated powers over the use of resources, personnel and land.



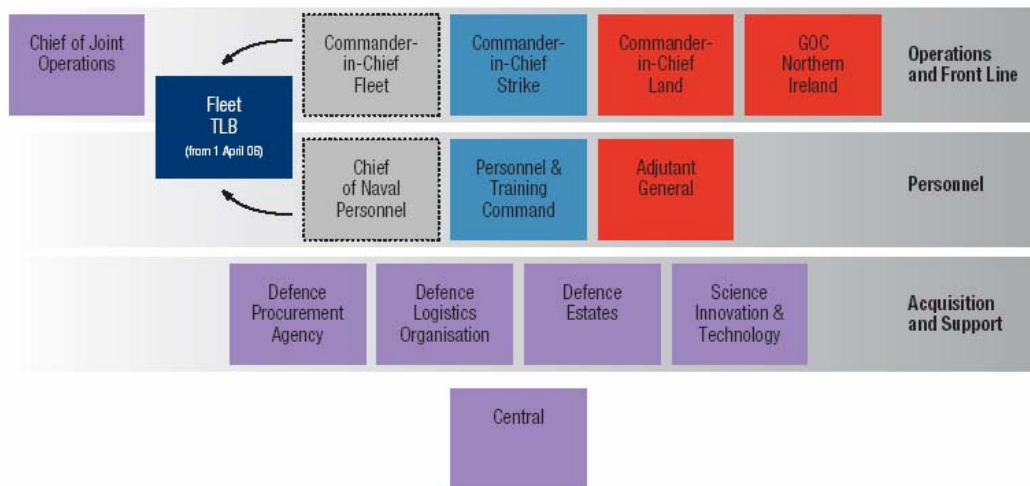
The Central TLB has lead responsibility for the development of policy and strategy for the Ministry of Defence and provides manpower for the Central Staff, who have an important

role in Performance Management, ensuring policy decisions are carried out and targets are being met. Most Defence activity takes place outside the Head Office and is managed through thirteen¹ Top Level Budget (TLB) holders, and five Trading funds not included in the TLB structure. PUS grants each TLB holder extensive delegated powers over personnel, infrastructure and budget. The Army and Air Force have separate TLBs for their Operational and Personnel commands. The Navy merged their two TLBs on 1 April 2006 to form a single Fleet TLB. The other TLBs are Defence rather than single Service organisations:

- Chief of Joint Operations, who is responsible for the planning and execution of joint (tri-Service) operations, and for the management of Permanent Joint Operating Bases in Cyprus, Gibraltar, the Falkland Islands and Diego Garcia;
- The Defence Procurement Agency, which procures equipment for all three Services;
- The Defence Logistics Organisation, the sole authority for providing logistics support to the Armed Forces;
- The Central TLB, including the Head Office and providing corporate services to other TLBs;
- The Science, Innovation and Technology TLB, headed by the Chief Scientific Adviser, who is responsible for delivering expert advice and developing scientific and technological solutions to satisfy MoD's needs and problems;
- Defence Estates, which delivers estate maintenance, works and services, and manages service housing.

Each TLB holder has a 'contract' with MoD Head Office, known as a Service Delivery Agreement, which specifies the outputs required of that TLB, the resources they are given to deliver these outputs, and the authority delegated to TLB holders by the PUS. Within the TLB structure are a range of agencies, spanning the bulk of Defence support activity, including logistics, training and corporate services such as bill paying and policing. The Secretary of State owns and is ultimately accountable for the performance of Defence agencies and Trading Funds.

The structure is outlined below:



The Government is committed to funding the Armed Forces as they modernise and adapt to meet evolving threats and promote international stability in the changing global security environment. Building on the additional investment provided by the Government since 2000, the 2004 Spending Review (SR2004) announced in July 2004 increased planned spending on defence by an average of 1.4% per year in real terms over the three years to 2007-08, with total planned defence spending £3.7 billion higher in 2007-08 than in 2004-05. In cash terms, the equivalent increase is £3.5 billion, an average real growth of 1.5% per year.

Further modernisation of defence will be supported through the continued provision of the Defence Modernisation Fund, amounting to £1 billion over the three years to 2007-08, which represented an increase in both its size and scope. Building on its existing change programme, the MoD also undertook to realise total annual efficiency gains of at least £2.8 billion by 2007-08, of which three-quarters will be cash releasing, to be re-invested in defence capability and further modernisation initiatives.

Further information on the outcome of the 2004 Spending Review is set out in *2004 Spending Review: Stability, security and opportunity for all: investing for Britain's long-term future: New Public Spending Plans 2005-2008* (Cm 6237) published on www.hm-treasury.gov.uk and in the technical notes supporting the MoD's SR2004 Public Service Agreement and Efficiency programme, published on www.mod.uk.

The Ministry of Defence again achieved an unqualified opinion from the Comptroller and Auditor General that the Departmental Resource Accounts gave a true and fair view of the state of affairs of the Department and of its net resource outturn, recognised gains and losses and cashflows for the year.

Planned expenditure for the year was set out in the *Ministry of Defence: The Government's Expenditure Plans 2005-06 to 2007-08*, and in the Main Estimates and the Winter and Spring Supplementary Estimates voted by Parliament. Provisional outturn for the year was set out in the *Public Expenditure Outturn White Paper 2005-06* published in July 2006. Defence expenditure in 2005-06 was contained within the voted provision.

The Department is voted additional resources to cover the net additional costs of operations. No formal budget is set. Overall expenditure for the conduct of operations in 2005-06 was £1,266M, including £957M for operations in Iraq, £63M for operations in the Balkans (Bosnia and Kosovo), and £199M for operations in Afghanistan.

3. Description of:

(a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

The Secretary of State for Defence is an elected member of the British Government and is accountable to Parliament for all defence matters. He is responsible for the formulation of British defence policy and ultimately for the conduct of all military operations. Defence Ministers account to Parliament for all defence issues and will appear, when requested, before both Houses and before relevant Parliamentary committees.

The Bill of Rights 1688 took control over the creation of a standing Army from the Crown and placed it in the hands of Parliament. The Bill declared that “the raising or keeping of a standing Army within the Kingdom in time of peace, unless it be with the consent of Parliament, is against the law” (Article 9 of the Bill of Rights which is still in force). Accordingly, a Standing Army was established by Parliament, but with a limited period of existence. Annual Mutiny Acts were passed by Parliament until 1881 when the Army Act of that year put the government of the Army on a more modern footing. It became the practice to pass an annual Act to continue in force the 1881 Act for a further year.

The Armed Forces Bill, now before Parliament, will replace the current Service Discipline Acts (the Naval Discipline Act 1957, the Army Act 1955 and the Air Force Act 1955) with a single system of service law that will apply to the personnel of all three services. Although a more modern piece of legislation, the Bill does not set out to make radical changes for the sake of it. From the start of work in 2001, our intention has been to support operational effectiveness by moving to a single system of Service law. This covers the full range of disciplinary work from the internal disciplinary process, which is normally the responsibility of unit commanding officers, right through to courts martial. The Bill covers some other important areas such as the right of personnel to complain to the Service Boards; Service Inquiries; and a range of miscellaneous matters such as recruitment, enlistment and terms and conditions of service. Once the Bill is approved (as the Armed Forces Act 2006) we will move on to its implementation. The target date for full implementation is December 2008. Preparation began in 2005 with the first steps to quantify the secondary legislation, regulations, manuals and guidance needed before we can get to grips with training the Armed Forces in the full range of new provisions and procedures. All of this will be crucial to ensure that the legislation will work effectively in practice. Details can be found at www.armedforcesbill.mod.uk

The UK does not have paramilitary or internal security forces.

(b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

The constitutionally established authority for control of the Military is Parliament.

(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

The Defence Aim, which is reflected in our Public Service Agreement, is: To deliver security for the people of the United Kingdom and the Overseas Territories by defending them, including against terrorism, and to act as a force for good by strengthening international peace and security.

The Military Tasks provide a framework for the Ministry of Defence on which to base its detailed defence planning for the size, shape and capabilities of the Armed Forces. There are eighteen Military Tasks which are categorised under the four generic headings of Standing Strategic Tasks, Standing Home Commitments, Standing Overseas Commitments and Contingent Operations Overseas. The Military Tasks are outlined below. The detailed tasks and the strategic effects required to deliver Contingent Operations Overseas are detailed in the Defence White Paper: Delivering Security in a Changing World and available at <http://www.mod.uk/>.

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- Standing Home Commitments. These Tasks encompass protection of UK sovereignty, security at home in support of Other Government Departments (OGDs) and maintaining the Armed Forces' public profile.
- Standing Overseas Commitments. These long-standing Tasks are the obligations to the thirteen Overseas Territories, our commitment to international alliances and partners as a means of safeguarding UK interests overseas and the promotion of UK influence and support around the world.
- Contingent Operations Overseas. These Tasks define the range of contingent commitments that may demand a contribution from the UK's Armed Forces. The tasks range from humanitarian assistance and evacuation operations, through peace support operations to the most demanding military operation, deliberate intervention. These Tasks are by no means mutually exclusive; indeed an operation may shift from one task to another during its lifespan. For example, an operation may start as a peace enforcement operation and then shift to peacekeeping once a level of stability has been achieved.

(d) Public access to information related to the armed forces;

The Freedom of Information Act received Royal Assent on 30 November 2000. The Act supersedes the Code of Practice on Access to Government Information 1997. The Act applies to all public authorities. Schedule 1 to the Act gives more details but the term 'public authorities' is defined very widely and it has been estimated that some 75,000 bodies are involved. Within the Ministry of Defence, only the Special Forces and any unit providing assistance to the Government Communications Headquarters are outside the scope of the Act. For the Ministry of Defence the relevant parts of the implementation timetable are as follows:

- By November 2002 we brought into effect a Publication Scheme for the Ministry of Defence as a central government department, including all defence Non-Departmental Public Bodies (NDPBs) subject to the Code of Practice.
- By June 2003 we brought into effect a Publication Scheme for the Armed Forces and the Ministry of Defence Police.
- By February 2004 we implemented a Publication Scheme relating to NDPBs not subject to the Code of Practice.
- From January 2005 we are - along with all other public authorities - required to answer requests for information within the terms of the individual right of access given by the Act.

The Act requires each public authority to adopt and maintain a Publication Scheme. The purpose of Publication Schemes is to specify the classes of information that the authority publishes or intends to publish; the form in which this is or will be done; and whether there is any charge for the information. Each scheme must be approved by the Information Commissioner. Although the original timetable set different dates by which different parts of the Ministry of Defence had to implement a Publication Scheme, we decided to create a single scheme that sets out the full range of information published across the whole of the Ministry of Defence, its agencies, trading funds, NDPBs as well as its military components.

The individual right of access applies to all types of recorded information held by public authorities regardless of the date of the information. The Act does, however, set out some exemptions to this right. It also places a number of obligations on public authorities about the way in which they provide information. Subject to the exemptions, anyone making a request must be informed whether the public authority holds the information and, if so, be supplied with it - generally within twenty working days. There is also a duty to provide advice or assistance to anyone seeking information (for example in order to explain what is readily available or to clarify what is wanted). Responsibility for overseeing the operation of the Act rests with the Information Commissioner who is an independent public official responsible directly to Parliament. As well as approving Publication Schemes and promoting compliance with the Act, the Commissioner has powers of enforcement.

The Ministry of Defence places great importance on informing and educating the public about the role and activities of the Armed Forces, and on opening up the Ministry of Defence to the public. To that end, it puts considerable effort into identifying opportunities to publicise and promote the work of the Armed Forces, and into increasing the means by which such information can be provided to the public. Press notices are issued and briefings given on all significant decisions and events, for example, decisions on the procurement of equipment, the deployment of forces on operations and major exercises and decisions on policy matters.

A Ministry of Defence Internet site (www.mod.uk) has been established which is updated on a regular basis, and which provides links to other associated sites, including those maintained by each of the single Services. These sites provide a considerable amount of information about the Armed Forces. In addition, at the start of any military operation a new site is established specifically related to that operation.

The Ministry of Defence produces a series of fact-sheets and booklets which are made available to the public and provide information on various aspects of defence business.

A Defence Policy exhibition tours the UK, appearing at local exhibitions and shows, at which defence policy and the activities of the Armed Forces are explained and displayed. In addition, Service presentation teams visit schools, institutions and local communities.

Finally, regular links are maintained with the academic community, and conferences and seminars held at which information is exchanged in an open atmosphere

4. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law;

The United Kingdom has ratified the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the Status of their Forces, completed at Brussels on 19 June 1995.

5. Description of:

- (a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

The UK does not have military conscription and has no plans to do so, an Act of Parliament would be required to re-introduce it. The UK has an entirely voluntary Armed Forces. Selection procedures differ slightly for each Service and between officers and other ranks. Applicants are required to meet specified literacy and numeracy requirements and to be both medically and physically fit. The call out and recall of Reservists is undertaken in accordance with provisions of the Reserve Forces Act 1996.

(b) Exemptions or alternatives to compulsory military service, if applicable;

The United Kingdom does not have compulsory military service. The call out and recall of Reservists is undertaken in accordance with the provisions of the Reserve Forces Act. Reservists, or their employers, may apply for exemption or deferral from call out or recall under the provisions of Part VIII of the Reserve Forces Act.

- (c) Legal and administrative procedures protecting the rights of all Forces personnel;

Civil remedies (including cases referable to courts of law and tribunals), are available to UK service personnel, apart from those which are specifically exempt by statute. Additionally, there is in existence an internal redress procedure for all ranks.

- 6. Instruction on International Humanitarian Law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations;

Pursuant to Article 83 of Additional Protocol I to the 1949 Geneva Conventions, the UK Armed Forces implement in time of peace and conflict, dissemination of the Geneva Conventions and general principles of International Humanitarian Law and all associated

regulations, by including such instruction not only during initial basic training phases but also at various staff and promotion courses and on an annual basis for all ranks.

Prior to each new military operation, all deployed personnel are issued with a copy of the Joint Service Personnel 381 (JSP 381) Aide Memoiré on The Law of Armed Conflict. In addition, mission specific briefings are held which focus on the particular aspects of international humanitarian law which are relevant to the mission about to be undertaken. This ensures that all personnel are made aware of the basic rules of the Law of Armed Conflict, including the practical application of the principles of military necessity, proportionality, distinction and humanity.

7. Any other information.

Further detailed information is contained in the Ministry of Defence Annual Report and Accounts 2003/2004 which is available on the internet at www.mod.uk/publications/performance2003. The Ministry of Defence has also published further details on the Freedom of Information Act at www.foi.mod.uk.

2. National Planning and Decision-Making Process

(a) The Military Posture:

Secretary of State and Ministers

The Secretary of State is responsible for the formulation and conduct of defence policy, and for providing the means by which it is conducted. He is supported by a Minister of State for the Armed Forces, a Minister of State for Defence Equipment & Support and a Parliamentary Under-Secretary of State and Minister for Veterans. The Secretary of State and his three Ministerial colleagues are accountable to Parliament – which votes public money to the MoD for defence purposes.

Strategic Control

Ministers are supported by the senior management of the MoD, headed jointly by the (military) Chief of the Defence Staff and the (civilian) Permanent Under Secretary. They share equal responsibility for much of the Department's business and their roles reflect the importance of both military and civilian advice on operational, political, financial and administrative matters. The Permanent Under Secretary is the Government's principal civilian adviser on defence and has primary responsibility for defence policy, finance and the administration of the Department. The Chief of

The Defence Staff (CDS) is the professional head of the Armed Forces and the principal military adviser to the Secretary of State and the Government.

The Defence Council

The Defence Council is the senior Departmental committee. It is chaired by the Secretary of State, and comprises the other Ministers, the PUS and CDS, and other senior Service officers and officials. It provides the formal legal basis for the conduct of defence in the UK through a range of powers vested in it by statute and Letters Patent.

The Defence Management Board (DMB)

The DMB is the highest, non-ministerial committee in the MoD. Chaired by PUS, it is essentially the main corporate board of the MoD, providing senior level leadership and strategic management of Defence. Its role is to deliver the Defence aim set out in the Public Service Agreement; it also owns the Defence Vision. The Board is made up of the non-Ministerial members of the Defence Council, and three external, independent non-executive members.

The Ministry of Defence

The MOD is responsible for leading the defence contribution to the development of the Government's foreign and security policy and wider HMG objectives, and for translating those objectives into departmental policy and the defence capability needed to deliver it.

(b) Defence Expenditure:

The Government carries out a Spending Review every two years to allocate Departmental Budgets. Spending Reviews set firm and fixed three-year Departmental Expenditure Limits and, through Public Service Agreements, define the key improvements that the public can expect from these resources. The delivery of defence outputs falls to Top Level Budget (TLB) holders – Service Commanders-in-Chief and the heads of other major delivery organisations. Top Level Budget holders are responsible for the delivery of specific outputs – typically elements of military capability or supporting services to other Top Level Budgets. At the conclusion of each planning round, the outputs and the related resources for each Top Level Budget are set out in Service Delivery Agreements between the Permanent Under Secretary and the Chief of the Defence Staff on the one hand and the Top Level Budget holder, or Service Chief where appropriate, on the other hand.

Central TLB

The role of the Central TLB is to provide the framework to enable MoD to act as both a Department of State and as the Strategic Headquarters of the Armed Forces. It provides three key functions: Head Office – strategy and policy, allocation of resources against objectives and targets, monitoring performance, and setting standards; Military Capability – providing centrally managed force elements at defined readiness states (including Special Forces, medical and intelligence

services); and Corporate Services – delivering cost effective and efficient centralized Corporate Services to the wider Department e.g. finance and personnel services.

Chief of Joint Operations (CJO)

With a few exceptions, CJO is responsible for running all military operations from the Permanent Joint Headquarters in Northwood. Military assets are assigned to CJO for the duration of the operation only. In addition to these operational responsibilities, CJO is responsible for the Sovereign Base Areas and British Forces in Cyprus, Gibraltar, the South Atlantic Islands and Diego Garcia.

Fleet

The single Fleet TLB was formed on 1 April 2006 by merging the old TLBs of Commander in Chief Fleet (CINCFLEET) and the Second Sea Lord/Commander in Chief Naval Home Command TLBs. Headed by Commander in Chief Fleet, the TLB is responsible for providing warships and trained crews and Royal Marines to CJO at agreed readiness states. CINCFLEET maintains an operational command and control capability, in particular for the nuclear deterrent force. This TLB is also responsible for the provision of personnel: recruitment, individual and collective training and career management.

Air Command

Air Command was formed on 1 April 2007 as a result of the merger of the RAF's Personnel and Training Command and Strike Command. The creation of a single Command, with a single fully integrated Headquarters, will better equip the RAF to provide a coherent and coordinated single Air focus to the other services, MoD Head office, the Permanent Joint Headquarters and the rest of MoD. Air Command is responsible for providing aircraft, trained aircrews and other force elements to CJO at agreed readiness states. In order to do this it undertakes a wide range of functions including providing the recruitment and training of RAF personnel. It undertakes the basic flying training for all three services. In addition, it maintains aircraft and aircrew for Quick Reaction Alert to defend UK airspace and conduct Search and Rescue Operations.

Land Command

LAND is responsible for providing the land component military capability (Army formations and equipment) to CJO at agreed readiness states through collective training and the generation of military capability of units, brigades and divisions.

Defence Equipment and Support (DE&S)

DE&S is a new Top Level Budget established through merger of the Defence Procurement Agency and the Defence Logistics Organisation. It was formed on 1 April 2007 as a result of the Defence Acquisition Change Programme to become an integrated procurement and support organisation. The role of this TLB is therefore to equip and support the UK's Armed Forces for current and future operations. It acquires and supports through-life, including disposal, equipment and services

ranging from ships, aircraft, vehicles and weapons, to electronic systems and information systems.

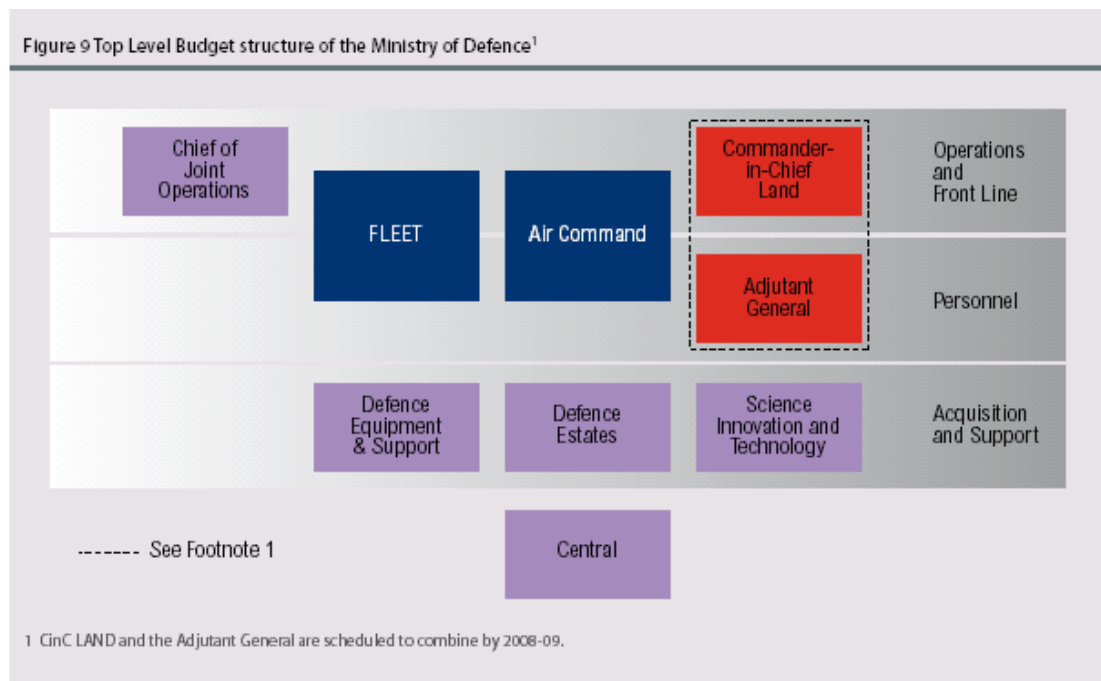
Science | Innovation | Technology

The prime output of this TLB ensures the Department has access to sound technical advice and technology to support military operations and future strategic capabilities, including nuclear and missile defence issues and policy, provision of technical support, and adaptation of equipment for defence requirements.

Defence Estate (DE)

DE is responsible for managing and developing the Defence Estate in a sustainable manner, in line with acknowledged best practice and Government policy.

The **Top Level Budget** structure is outlined below:



The Government is committed to funding the Armed Forces as they modernise and adapt to meet evolving threats and promote international stability in the changing global security environment. Building on the additional investment provided by the Government since 2000, the 2004 Spending Review (SR2004) announced in July 2004 increased planned spending on defence by an average of 1.4% per year in real terms over the three years to 2007-08, with total planned defence spending £3.7 billion higher in 2007-08 than in 2004-05. In cash terms, the equivalent increase is £3.5 billion, an average real growth of 1.5% per year.

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3. Democratic Control

(a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police:

The Secretary of State for Defence is an elected member of the British Government and is accountable to Parliament for all defence matters. He is responsible for the formulation of British defence policy and ultimately for the conduct of all military operations. Defence Ministers account to Parliament for all defence issues and will appear, when requested, before both Houses and before relevant Parliamentary committees.

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such as the right of personnel to complain to the Service Boards; Service Inquiries; and a range of miscellaneous matters such as recruitment, enlistment and terms and conditions of service. Once the Bill is approved (as the Armed Forces Act 2006) we will move on to its implementation. The target date for full implementation is December 2008. Preparation began in 2005 with the first steps to quantify the secondary legislation, regulations, manuals and guidance needed before we can get to grips with training the Armed Forces in the full range of new provisions and procedures. All of this will be crucial to ensure that the legislation will work effectively in practice. Details can be found at www.armedforcesbill.mod.uk.

The UK does not have paramilitary or internal security forces.

(b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces:

The constitutionally established authority for control of the Military is Parliament.

(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework:

The **Defence Aim**, which is reflected in our Public Service Agreement, is: To deliver security for the people of the United Kingdom and the Overseas Territories by defending them, including against terrorism, and to act as a force for good by strengthening international peace and security.

The **Military Tasks** provide a framework for the Ministry of Defence on which to base its detailed defence planning for the size, shape and capabilities of the Armed Forces. There are eighteen Military Tasks which are categorised under the four generic headings of Standing Strategic Tasks, Standing Home Commitments, Standing Overseas Commitments and Contingent Operations Overseas. The Military Tasks are outlined below. The detailed tasks and the strategic effects required to deliver Contingent Operations Overseas are detailed in the Defence White Paper: Delivering Security in a Changing World and available at <http://www.mod.uk/>.

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(d) Public access to information related to the armed forces:

The Freedom of Information Act received Royal Assent on 30 November 2000. The Act supersedes the Code of Practice on Access to Government Information 1997. The Act applies to all public authorities. Schedule 1 to the Act gives more details but the term 'public authorities' is defined very widely and it has been estimated that some 75,000 bodies are involved. Within the Ministry of Defence, only the Special Forces and any unit providing assistance to the Government Communications Headquarters are outside the scope of the Act. For the Ministry of Defence the relevant parts of the implementation timetable are as follows:

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Finally, regular links are maintained with the academic community, and conferences and seminars held at which information is exchanged in an open atmosphere

4. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law

The United Kingdom has ratified the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the Status of their Forces, completed at Brussels on 19 June 1995.

5. Recruitment

(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable:

The UK does not have military conscription and has no plans to do so, an Act of Parliament would be required to re-introduce it. The UK has a voluntary Armed

Force. Selection procedures differ slightly for each Service and between officers and other ranks. Applicants are required to meet specified literacy and numeracy requirements and to be both medically and physically fit. The call out and recall of Reservists is undertaken in accordance with provisions of the Reserve Forces Act 1996.

(b) Exemptions or alternatives to compulsory military service:

The United Kingdom does not have compulsory military service. The call out and recall of Reservists is undertaken in accordance with the provisions of the Reserve Forces Act. Reservists, or their employers, may apply for exemption or deferral from call out or recall under the provisions of Part VIII of the Reserve Forces Act.

(c) Legal and administrative procedures protecting the rights of all Forces personnel:

Civil remedies (including cases referable to courts of law and tribunals), are available to UK service personnel, apart from those which are specifically exempt by statute. Additionally, there is in existence an internal redress procedure for all ranks.

5. Instruction on International Humanitarian Law

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6. Any other information

Further detailed information is contained in the Ministry of Defence Annual Report and Accounts 2006/2007 which is available on the internet at.

<http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/AnnualReports/>

The Ministry of Defence has also published further details on the Freedom of Information Act at www.foi.mod.uk.