



# Northern Ireland (Emergency Provisions) Act 1991

## 1991 CHAPTER 24

### PART III

#### OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

#### **27 Directing terrorist organisation**

Any person who directs, at any level, the activities of an organisation which is concerned in the commission of acts of terrorism is guilty of an offence and liable on conviction on indictment to imprisonment for life.

#### **28 Proscribed organisations**

- (1) Subject to subsection (6) below, any person who—
- (a) belongs or professes to belong to a proscribed organisation; or
  - (b) solicits or invites support for a proscribed organisation other than support with money or other property; or
  - (c) solicits or invites any person to become a member of a proscribed organisation or to carry out on behalf of a proscribed organisation orders or directions given, or requests made, by a member of that organisation; or
  - (d) arranges or assists in the arrangement or management of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting—
    - (i) is to support a proscribed organisation;
    - (ii) is to further the activities of such an organisation; or
    - (iii) is to be addressed by a person belonging or professing to belong to such an organisation,

is guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both and on summary conviction to

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imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

- (2) The organisations specified in Schedule 2 to this Act are proscribed organisations for the purposes of this Act; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.
- (3) The Secretary of State may by order add to Schedule 2 to this Act any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it.
- (4) The Secretary of State may also by order remove an organisation from Schedule 2 to this Act.
- (5) The possession by a person of a document—
  - (a) addressed to him as a member of a proscribed organisation; or
  - (b) relating or purporting to relate to the affairs of a proscribed organisation; or
  - (c) emanating or purporting to emanate from a proscribed organisation or officer of a proscribed organisation,

shall be evidence of that person belonging to the organisation at the time when he had the document in his possession.

- (6) A person belonging to a proscribed organisation shall—
  - (a) if the organisation is a proscribed organisation by virtue of an order under subsection (3) above; or
  - (b) if this section has ceased to be in force but has been subsequently brought into force by an order under section 69(3) below,

not be guilty of an offence under this section by reason of belonging to the organisation if he has not after the coming into force of the order under subsection (3) above or the coming into force again of this section, as the case may be, taken part in any activities of the organisation.

- (7) Subsection (6) above shall apply in relation to a person belonging to the Red Hand Commando, the Ulster Freedom Fighters, the Ulster Volunteer Force, the Irish National Liberation Army or the Irish People's Liberation Organisation as if the organisation were proscribed by virtue of an order under subsection (3) above with the substitution in subsection (6) for the reference to the coming into force of such an order of a reference—
  - (a) as respects a person belonging to the Red Hand Commando or the Ulster Freedom Fighters, to 12th November 1973;
  - (b) as respects a person belonging to the Ulster Volunteer Force, to 4th October 1975;
  - (c) as respects a person belonging to the Irish National Liberation Army, to 3rd July 1979;
  - (d) as respects a person belonging to the Irish People's Liberation Organisation, to 29th March 1990.

## **29 Display of support in public for a proscribed organisation**

Any person who in a public place—

- (a) wears any item of dress; or
- (b) wears, carries or displays any article,

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in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation is guilty of an offence and liable—

- (i) on conviction on indictment, to imprisonment for a term not exceeding one year or a fine or both;
- (ii) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

### **30 Possession of items intended for terrorist purposes**

- (1) A person is guilty of an offence if he has any article in his possession in circumstances giving rise to a reasonable suspicion that the item is in his possession for a purpose connected with the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland.
- (2) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence the article in question was not in his possession for such a purpose as is mentioned in subsection (1) above.
- (3) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (4) Subsections (1), (2) and (5) of section 12 above shall apply where a person is charged with possessing an article in such circumstances as to constitute an offence under this section as they apply where a person is charged with possessing a proscribed article in such circumstances as are there mentioned.

### **31 Unlawful collection, etc. of information**

- (1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him)—
  - (a) collect, record, publish, communicate or attempt to elicit any information with respect to any person to whom this paragraph applies which is of such a nature as is likely to be useful to terrorists;
  - (b) collect or record any information which is of such a nature as is likely to be useful to terrorists in planning or carrying out any act of violence; or
  - (c) have in his possession any record or document containing any such information as is mentioned in paragraph (a) or (b) above.
- (2) Subsection (1)(a) above applies to any of the following persons, that is to say—
  - (a) any constable or member of Her Majesty's forces;
  - (b) any person holding judicial office;
  - (c) any officer of any court;
  - (d) any person employed for the whole of his time in the prison service in Northern Ireland; and
  - (e) any person who has at any time been a person falling within any of the preceding paragraphs.
- (3) In subsection (1) above any reference to recording information includes a reference to recording it by means of photography or by any other means.

- (4) Any person who contravenes this section is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (5) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any record or document mentioned in subsection (1) above which is found in his possession.
- (6) Without prejudice to section 18 of the Interpretation Act 1978 (offences under two or more laws), nothing in this section shall derogate from the operation of the Official Secrets Acts 1911 to 1989.

### **32 Training in making or use of firearms, explosives or explosive substances**

- (1) Subject to subsection (2) below, any person who instructs or trains another or receives instruction or training in the making or use of firearms, explosives or explosive substances is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (2) In any prosecution for an offence under this section it shall be a defence for the person charged to prove that the instruction or training was given or received with lawful authority or for industrial, agricultural or sporting purposes only or otherwise with good reason.
- (3) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any thing which appears to the court to have been in his possession for purposes connected with the offence.
- (4) Without prejudice to section 18 of the Interpretation Act 1978 (offences under two or more laws), nothing in this section shall derogate from the operation of the Unlawful Drilling Act 1819.

### **33 Wearing of hoods, etc. in public places**

Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), wears in a public place or in the curtilage of a dwelling-house (other than one in which he is residing) any hood, mask or other article whatsoever made, adapted or used for concealing the identity or features is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding one year or a fine or both;
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.