Northern Ireland (Emergency Provisions) Act 1991

1991 CHAPTER 24

PART VIII

MISCELLANEOUS

57 Additional investigation powers

(1) If, on an application made in writing by an officer of the Royal Ulster Constabulary not below the rank of superintendent, it appears to the Secretary of State—

(a) that an investigation to which this section applies is taking place; and

(b) that the investigation could be more effectively carried out with the participation of a person who is not a constable and who is named in the application,

the Secretary of State may authorise that person to exercise for the purposes of the investigation the powers conferred by Schedule 5 to this Act.

(2) Those powers shall be exercisable in Great Britain as well as in Northern Ireland and accordingly this section and that Schedule shall extend to the whole of the United Kingdom.

(3) Where a person who has been authorised under subsection (1) above to exercise the powers there mentioned considers that any material may be relevant to the investigation in relation to which the authority was given, Schedule 7 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (terrorist investigations) shall have effect in relation to the material as if—

(a) the references to a constable in paragraphs 2(1), 3(1) and (2)(b), 5(1) and (3), 6(1), 12(2)(b), 14(3) and 15(1);

(b) the first of the references to a constable in paragraph 3(6); and

(c) the references to a procurator fiscal in paragraphs 12(1) and (6), 13(2), 14(1) and 15(1),

included references to that person; and where (by virtue of this subsection) such a person has made an application for an order under paragraph 3 of that Schedule, the reference in paragraph 4(2)(b) to the constable on whose application the order was made or any constable serving in the same police station shall be construed as referring to that person.

(4) This section applies to any investigation by the Royal Ulster Constabulary into the existence of—

(a) the resources of a proscribed organisation;

(b) funds which may be applied or used for the commission of, or in furtherance of or in connection with, acts of terrorism connected with the affairs of Northern Ireland; or

(c) the proceeds of the commission of such acts of terrorism or of activities engaged in in furtherance of or in connection with such acts.

(5) Paragraph (a) of subsection (4) above includes any money or property which is or is to be applied or made available for the benefit of a proscribed organisation; and paragraph (c) of that subsection includes any property which in whole or in part directly or indirectly represents such proceeds as are there mentioned.