



Northern Ireland (Emergency Provisions) Act 1998

1998 CHAPTER 9

An Act to postpone the expiry and otherwise make amendments of the Northern Ireland (Emergency Provisions) Act 1996; and for connected purposes. [8th April 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duration of the Northern Ireland (Emergency Provisions) Act 1996

- (1) Section 62 of the Northern Ireland (Emergency Provisions) Act 1996 (duration) shall be amended as follows.
- (2) In subsection (2) (expiry of temporary provisions), for “15th June 1997” there shall be substituted “15th June 1999”.
- (3) In subsection (10) (expiry of Act), for “24th August 1998” there shall be substituted “24th August 2000”.

2 Scheduled offences

- (1) At the end of the following provisions of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1996 (scheduled offences) there shall be added the words “subject to note 1 below”—
 - (a) paragraph 3 (riot);
 - (b) paragraph 12 (section 1 of the Aviation Security Act 1982);
 - (c) paragraph 13 (section 2 of the Criminal Jurisdiction Act 1975);
 - (d) paragraph 17 (the Taking of Hostages Act 1982);
 - (e) paragraph 18 (section 2 of the Nuclear Material (Offences) Act 1983); and

Status: This is the original version (as it was originally enacted).

- (f) paragraph 22(a) and (i) (the Northern Ireland (Emergency Provisions) Act 1996).
- (2) In the following provisions of that Schedule, the words “subject to note 1 below” shall be inserted before paragraph (a) and shall be omitted elsewhere—
 - (a) paragraph 7 (the Offences against the Person Act 1861);
 - (b) paragraph 11 (the Protection of the Person and Property Act Northern Ireland 1969); and
 - (c) paragraph 16 (the Firearms (Northern Ireland) Order 1981).
- (3) In the following provisions of that Schedule, the words “subject to note 1 below” shall be inserted before paragraph (a)—
 - (a) paragraph 8 (the Explosive Substances Act 1883);
 - (b) paragraph 20 (the Aviation and Maritime Security Act 1990); and
 - (c) paragraph 21 (the Channel Tunnel (Security) Order 1994).

3 Detention orders

Section 36 of, and Schedule 3 to, the Northern Ireland (Emergency Provisions) Act 1996 (detention orders) shall cease to have effect.

4 Video recording of police interviews

For section 53(2) of the Northern Ireland (Emergency Provisions) Act 1996 (video recording of police interviews) there shall be substituted—

- “(2) This section applies to—
- (a) interviews held by police officers of persons detained under section 14(1)(a) or (b) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of suspected persons), and
 - (b) interviews held by police officers in such other circumstances as may be specified in an order under subsection (1)(b).”.

5 Audio recording of police interviews

After section 53 of the Northern Ireland (Emergency Provisions) Act 1996 (video recording) there shall be inserted—

“53A Audio recording

- (1) The Secretary of State shall—
 - (a) make a code of practice in connection with the audio recording of interviews to which this section applies; and
 - (b) make an order requiring the audio recording of interviews to which this section applies in accordance with the code as it has effect for the time being.
- (2) This section applies to—
 - (a) interviews held by police officers of persons detained under section 14(1)(a) or (b) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of suspected persons), and

(b) interviews held by police officers in such other circumstances as may be specified in an order under subsection (1)(b).

(3) In this section “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.”.

6 Codes of practice: commencement orders

(1) Section 60 of the Northern Ireland (Emergency Provisions) Act 1996 (orders and regulations) shall be amended as follows.

(2) In subsection (2), after “30” there shall be inserted “, 54”.

(3) In subsection (5), the words “or 54” shall cease to have effect.

7 Consequential amendments and repeals

(1) Schedule 1 (consequential amendments) shall have effect.

(2) The provisions specified in Schedule 2 are hereby repealed.

8 Short title

This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1998.

SCHEDULES

SCHEDULE 1

Section 7(1).

CONSEQUENTIAL AMENDMENTS

The Prevention of Terrorism (Temporary Provisions) Act 1989

- 1 In section 27(11) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (duration)—
- (a) for “15th June 1997” substitute “15th June 1999”, and
 - (b) for “(repeal at end of two years)” substitute “(repeal at end of 24th August 2000)”.

The Police and Criminal Evidence (Northern Ireland) Order 1989

- 2 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) At the end of Article 60 (tape-recording of interviews), which becomes paragraph (1), add—
- “(2) A code of practice or order under this Article shall not apply in relation to interviews to which section 53 or 53A of the Northern Ireland (Emergency Provisions) Act 1996 applies (video recording and sound recording of police interviews).”.

The Northern Ireland (Emergency Provisions) Act 1996

- 3 (1) The Northern Ireland (Emergency Provisions) Act 1996 shall be amended as follows.
- (2) In section 54(1) (codes of practice: supplementary), for “or 53” substitute “, 53 or 53A”.
- (3) In section 60 (orders and regulations)—
- (a) in subsection (4), omit “or Schedule 3”, and
 - (b) in subsection (5), after “53” insert “or 53A”.
- (4) In section 62 (commencement, &c.), omit subsection (5).
- (5) In Schedule 1 (scheduled offences)—
- (a) in paragraph 16(g), for “subject to notes 1 and 4 below” substitute “subject to note 4 below”, and
 - (b) in paragraph 22, omit sub-paragraph (j).

SCHEDULE 2

Section 7(2).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1996 c. 22.	The Northern Ireland (Emergency Provisions) Act 1996.	<p>Section 36.</p> <p>In section 60(4), “or Schedule 3”.</p> <p>In section 60(5), “or 54”.</p> <p>Section 62(5).</p> <p>In Schedule 1— paragraph 22(j), and the words “subject to note 1 below” in paragraphs 7(a), (b), (c), (d) and (f), 11(a) and 16(a), (b), (c) and (h).</p> <p>Schedule 3.</p>