



Northern Ireland (Emergency Provisions) Act 1973

1973 CHAPTER 53

An Act to make provision with respect to the following matters in Northern Ireland, that is to say, proceedings for and the punishment of certain offences, the detention of terrorists, the preservation of the peace, the maintenance of order and the detection of crime and to proscribe and make other provision in connection with certain organisations there, and for connected purposes. [25th July 1973]

PART I

TRIAL AND PUNISHMENT OF CERTAIN OFFENCES

1 Punishment for murder.

(1) No person shall suffer death for murder and a person convicted of murder shall, subject to [^{F1}Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (detention of children at Secretary of State's pleasure)], be sentenced to imprisonment for life.

^{F2}(2)

(3)

(4) For the purpose of any proceedings on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilty of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder only; and if at the commencement of this Act a person is under a sentence of death for capital murder, the sentence shall have effect as a sentence of imprisonment for life.

(5) In this section "capital murder" means a murder which immediately before the commencement of this Act is a capital murder within the meaning of section 10 of the ^{M1}Criminal Justice Act (Northern Ireland) 1966.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973. (See end of Document for details)

Annotations:

Amendments (Textual)

F1 Words in s. 1(1)(3) substituted (31.1.1999) by S.I. 1998/1504 (N.I. 9), art. 65(1), **Sch. 5 para. 6**; S.R. 1999/25, **art. 2**

F2 S. 1(2)(3) repealed (8.10.2001) by S.I. 2001/2564 (N.I. 2), art. 13(2), **Sch. 3**; S.R. 2001/337, **art. 2**

Marginal Citations

M1 1966 c. 20 (N.I.)

2—4. **F3**

Annotations:

Amendments (Textual)

F3 Ss. 2–4 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

5 **F4**

Annotations:

Amendments (Textual)

F4 S. 5 repealed by Northern Ireland (Emergency Provisions) (Amendment) Act 1975 (c. 62), s. 7, **Sch. 3**

6–8 **F5**

Annotations:

Amendments (Textual)

F5 Ss. 6–8 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

9 Remand homes and training schools.

F6(1)

(2)

(3)

(4)

(5)

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973. (See end of Document for details)

Annotations:

Amendments (Textual)

F6 S. 9(1)–(5) repealed (31.1.1999) by S.I. 1998/1504, art. 65(2), Sch. 6; S.R. 1999/25, art. 2

Modifications etc. (not altering text)

C1 The text of s. 9(2)–(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART II

10— **F7**
18.

Annotations:

Amendments (Textual)

F7 Ss. 10–18, 19(1)–(7), 20, 21 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

PART III

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

19 Proscribed organisations.

(1) **F8**

(8) In section 4 of the ^{M2}Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 (assessment of compensation) and in the ^{M3}Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971, in their application to an injury or damage caused by an act committed while this section is in force, “unlawful association” includes a proscribed organisation.

Annotations:

Amendments (Textual)

F8 Ss. 10–18, 19(1)–(7), 20, 21 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

Marginal Citations

M2 1968 c. 9 (N.I.)

M3 1971 c. 38 (N.I.)

20, 21. **F9**

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973. (See end of Document for details)

- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including a reference to any enactment of the Parliament of Northern Ireland passed after this Act and re-enacting the said enactment with or without modifications.

Annotations:

Amendments (Textual)

F13 Definitions repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), [Sch. 6 Pt. I](#)

Modifications etc. (not altering text)

C2 References to an Act or enactment of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1](#)

29 ^{F14}

Annotations:

Amendments (Textual)

F14 [Ss. 23–27, 29, 30\(1\)–\(3\)\(6\)\(7\), 31\(2\)\(3\)\(5\)](#) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), [Sch. 6 Pt. I](#)

30 Commencement, duration, expiry and revival of provisions of this Act.

(1) ^{F15}

(4) The coming into force of any of the following provisions of this Act, that is to say, sections 2, 4, 5, 6, and 7, . . . ^{F16} on the commencement of this Act . . . , shall not affect any trial on indictment where the indictment has been presented, or any summary trial which has started, before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.

(5) Where before the coming into force of section 4(1) above, . . . on the commencement of this Act . . . , a person has been committed for trial for a scheduled offence and the indictment has not been presented, then, on the coming into force of that subsection, he [^{F17}shall, if he was committed to a county court or to a court of assize other than the Belfast City Commission, be treated as having been committed to that Commission.]

(6)

Annotations:

Amendments (Textual)

F15 [Ss. 23–27, 29, 30\(1\)–\(3\)\(6\)\(7\), 31\(2\)\(3\)\(5\)](#) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), [Sch. 6 Pt. I](#)

F16 Words repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), [Sch. 6 Pt. I](#)

F17 Words substituted by [Northern Ireland \(Emergency Provisions\) \(Amendment\) Act 1975 \(c. 62\)](#), [s. 6\(2\)\(a\)](#), (3) except as they apply to a trial on indictment where the accused was committed to the Belfast Recorder's Court before 21.8.1975

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973. (See end of Document for details)

Modifications etc. (not altering text)

C3 Unreliable marginal note

31 Short title, repeals, savings and extent.

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1973.
- (2) ^{F18}
- (4) Section 38 of the ^{M4}Interpretation Act 1889 (effect of repeals) shall apply to the repeal by this Act of any Act or enactment of the Parliament of Northern Ireland and to the cesser of any order or regulations made under any enactment repealed by this Act as it applies to the repeal of any Act or enactment of the Parliament of the United Kingdom.
- (5)
- (6) The repeal by this Act of section 1 of the Offences against the ^{M5}Person Act 1861 shall not affect the operation of sections 64, 65, and 68 of that Act which shall continue to apply in relation to murder as if this Act had not been passed.
- (7) Neither any rule of law nor any enactment other than this Act nor anything contained in a commission issued for the trial of any person shall be construed as limiting or otherwise affecting the operation of any provision of this Act, . . . ^{F19} but—
- (a) subject to the foregoing, any power conferred by this Act shall not derogate from Her Majesty's prerogative or any powers exercisable apart from this Act by virtue of any rule of law or enactment; . . .
- (b) . . . ^{F20}
- (8) This Act shall extend to Northern Ireland only.

Annotations:

Amendments (Textual)

F18 Ss. 23–27, 29, 30(1)–(3)(6)(7), 31(2)(3)(5) repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

F19 Words repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

F20 S. 31(7)(b) repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C4 Unreliable marginal note

Marginal Citations

M4 1889 c. 63.

M5 1861 c. 100.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973. (See end of Document for details)

SCHEDULES

F21

SCHEDULE 1

Annotations:

Amendments (Textual)

F21 Sch. 1 repealed by [Northern Ireland \(Emergency Provisions\) \(Amendment\) Act 1975 \(c. 62\)](#), **Sch. 3**

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F22

SCHEDULES 2—5

Annotations:

Amendments (Textual)

F22 Schs. 2–5 repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), **Sch. 6 Pt. I**

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Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1973.