



Northern Ireland (Emergency Provisions) (Amendment) Act 1975

1975 CHAPTER 62

Miscellaneous and general

17 Prosecutions

- (1) A prosecution shall not be instituted in respect of any offence under this Act except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (2) Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972 shall apply in relation to any offence under this Act as if subsection (1) above were a consent provision within the meaning of that Article.

18 Amendments to list of scheduled offences

Part I of Schedule 4 to the principal Act (scheduled offences for the purposes of the Act) shall have effect subject to the amendments in Schedule 2 to this Act.

19 Expenses

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act;
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided.

20 Interpretation, etc.

- (1) In this Act "the principal Act" has the meaning assigned by section 3 above and any expression used in this Act and in the principal Act shall have the same meaning in this Act as in that Act.

- (2) Any reference in this Act, except so far as the context otherwise requires, to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (3) It is hereby declared that, in applying section 38(1) of the Interpretation Act 1889 (effect of repeal and re-enactment) for the construction of references in this Act to other Acts, account is to be taken of repeal and re-enactment by a Measure of the Northern Ireland Assembly or an Order in Council.

21 Commencement, duration, expiry and revival of certain provisions

- (1) This Act shall come into force on the expiration of the period of two weeks beginning with the day on which it is passed.
- (2) Sections 2, 5, 9, 11, 15 and 16 above and Schedule 1 to this Act shall expire with 24th January 1976 unless continued in force by an order under this section.
- (3) The Secretary of State may by order contained in a statutory instrument provide—
 - (a) that all or any of the said provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding six months from the coming into operation of the order ;
 - (b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or
 - (c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.
- (4) No order shall be made under this section unless—
 - (a) a draft of the order has been approved by resolution of each House of Parliament; or
 - (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.
- (5) Orders under this section (except an order of which a draft has been so approved) shall be laid before Parliament after being made and, if at the end of the period of 40 days (computed in accordance with section 7(1) of the Statutory Instruments Act 1946) after the day on which the Secretary of State made an order a resolution has not been passed by each House approving the order in question, the order shall then cease to have effect (but without prejudice to anything previously done or to the making of a new order).
- (6) On the expiry or cesser of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the provision had been repealed by another Act.

22 Consequential amendments

- (1) Any reference in section 11 of the principal Act (constable's general power of arrest and seizure) to an offence under that Act shall be construed as including a reference to an offence under this Act.

- (2) In section 29 of the principal Act, in subsection (1) for the words " Schedules 1 and 3 " substitute " Schedule 3 " and in subsections (3) and (4) for the words " either of the said Schedules " substitute " the said Schedule 3 ".
- (3) In section 30(3)(a) and (c) of the principal Act and section 3(2)(a) and (c) of the Northern Ireland (Young Persons) Act 1974 (extension and revival of certain provisions for period not exceeding one year) for the words " one year " substitute " six months ".

23 Short title, repeals and extent

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) (Amendment) Act 1975.
- (2) The enactments set out in Schedule 3 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in column 3 of that Schedule.
- (3) This Act shall extend to Northern Ireland only.