Status: *Point in time view as at 27/08/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), Cross Heading: Supplemental. (See end of Document for details)*

SCHEDULES

SCHEDULE 3

DETENTION OF TERRORISTS

Modifications etc. (not altering text)

C1 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I1 Sch. 3 in force at 27.8.1991 and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

Supplemental

9 (1) The Secretary of State may at any time refer the case of a person detained under a detention order to an Adviser and, if so requested in writing in accordance with sub-paragraph (2) below by a person so detained, shall do so within fourteen days beginning with the receipt of the request.

(2) A person detained under a detention order shall not be entitled to make a request for the purposes of sub-paragraph (1) above—

(a) before the expiration of the period of one year beginning with the date of the detention order; or

(b) within a period of six months from the date of the last notification under sub-paragraph (5) below.

(3) On any reference under this paragraph, an Adviser shall consider the case and report to the Secretary of State whether or not the person's continued detention is necessary for the protection of the public.

(4) Paragraphs 6(3) and 7(2) to (4) above shall apply for the purposes of a reference under this paragraph as they apply for the purposes of a reference under paragraph 5 above.

(5) Where a case is referred to an Adviser in consequence of a request made in accordance with this paragraph, the Secretary of State shall, after receiving the report of the Adviser, reconsider the case of the person to whom it relates and, if he decides not to release that person, shall notify him of his decision.

(6) A notification under sub-paragraph (5) above shall be by notice in writing and signed by the Secretary of State.

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), Cross Heading: Supplemental. (See end of Document for details)*

Modifications etc. (not altering text)

C1 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I1 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

10 (1) The Secretary of State may, as respects a person detained under an interim custody order—

(a) direct his discharge unconditionally; or

(b) direct his release (whether or not subject to conditions) for a specified period.

(2) The Secretary of State may, as respects a person detained under a detention order—

(a) direct his discharge unconditionally; or

(b) direct his release subject to conditions or for a specified period, or both.

(3) The Secretary of State may recall to detention a person released under sub-paragraph (1)(b) or (2)(b) above and a person so recalled may be detained under the original interim custody or detention order, as the case may be.

(4) Where a person is released under sub-paragraph (1)(b) above, any period during which he is not in detention shall be left out of account for the purposes of paragraphs 5(1), 6(2) and 8(3) above.

Modifications etc. (not altering text)

C2 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I2 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

11 (1) A person required to be detained under an interim custody order or a detention order may be detained in a prison or in some other place approved for the purposes of this paragraph by the Secretary of State.

(2) A person for the time being having custody of a person required to be detained as aforesaid shall have all the powers, authorities, protection and privileges of a constable.

(3) Subject to any directions of the Secretary of State, a person required to be detained as aforesaid shall be treated as nearly as may be as if he were a prisoner detained in a prison on remand and any power of temporary removal for judicial, medical or other purposes shall apply accordingly.

(4) A person required to be detained as aforesaid who is unlawfully at large may be arrested without warrant by any constable or any member of Her Majesty's forces on duty.

Modifications etc. (not altering text)

C3 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I3 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

12 Where a person required to be detained under an interim custody order is unlawfully at large, the interim custody order shall not cease to have effect under paragraph 5 or 8 above while he remains at large; and, upon his being taken again into custody, those paragraphs shall have effect as if the date of the interim custody order were that of his being taken again into custody.

Modifications etc. (not altering text)

C4 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I4 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

13 Any person who—

(a) being detained under an interim custody order or detention order, escapes;

(b) rescues any person detained as aforesaid, or assists a person so detained in escaping or attempting to escape;

(c) fails to return to detention at the expiration of a period for which he was released under paragraph 10(1)(b) or (2)(b) above; or

(d) knowingly harbours any person required to be detained under an interim custody order or detention order, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody,

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

Modifications etc. (not altering text)

C5 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I5 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

14 (1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of this Schedule and to be signed in accordance with this Schedule shall be received in evidence and shall, until the contrary is proved, be deemed to be duly made or given and signed.

(2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State stating that the document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be duly made and signed.

Modifications etc. (not altering text)

C6 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I6 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

15 The Secretary of State may make such payments to persons released or about to be released from detention under this Schedule as he may, with the consent of the Treasury, determine.

Modifications etc. (not altering text)

C7 Sch. 3 revived immediately before the end of 15.6.1992 and continuing as from the beginning of 16.6.1992 until immediately after the beginning of 16.6.1992, by S.I. 1992/1390, **art. 2**

Commencement Information

I7 S. 34, Sch. 3 in force at 27.8.1991; and ceasing to be in force immediately after coming into force see s. 69(1)-(4)

Status:
Point in time view as at 27/08/1991.

Changes to legislation:
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