

Status: Point in time view as at 27/08/1991.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legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 70(3).

CONSEQUENTIAL AMENDMENTS

The Rehabilitation of Offenders (Northern Ireland) Order 1978

- 1 In Article 3(2)(a) of the ^{M1}Rehabilitation of Offenders (Northern Ireland) Order 1978 the reference to a fine or other sum adjudged to be paid by or imposed on a conviction does not include a reference to an amount payable under a confiscation order made under section 47 of this Act.

Marginal Citations

M1 [S.I.1978/1908 \(N.I.27\)](#).

The Bankruptcy Amendment (Northern Ireland) Order 1980

- 2 Article 31 of the ^{M2}Bankruptcy Amendment (Northern Ireland) Order 1980 shall have effect as if amounts payable under confiscation orders made under section 47 of this Act were debts excepted under paragraph (1)(a) of that Article.

Marginal Citations

M2 [S.I.1980/561 \(N.I.4\)](#).

The Fines and Penalties (Northern Ireland) Order 1984

- 3 In Article 17(2) of the ^{M3}Fines and Penalties (Northern Ireland) Order 1984 after paragraph (i) there shall be inserted—
- “(j) the Table in section 35(2) of the Criminal Justice Act (Northern Ireland) 1945 as it has effect by virtue of paragraph 2(1)(b) of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1991.”

Marginal Citations

M3 [S.I.1984/703 \(N.I.3\)](#).

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The Elected Authorities (Northern Ireland) Act 1989

- 4 (1) The ^{M4}Elected Authorities (Northern Ireland) Act 1989 shall be amended as follows.
- (2) In section 6(5), in the definition of “proscribed organisation” for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (3) In Schedule 2 for the words “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1991 ”.

Marginal Citations

M4 1989 c. 3.

The Prevention of Terrorism (Temporary Provisions) Act 1989

- 5 (1) The ^{M5}Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- (2) In section 10(3) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (3) In section 17(1)(a)—
- (a) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 27 or 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”;
 - (b) for the words “section 21 of the said Act of 1978” there shall be substituted the words “ section 28 of the said Act of 1991 ”;
 - (c) for the words “section 21(4) of that Act” there shall be substituted the words “ section 28(3) of that Act ”.
- (4) In section 27(10) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (5) For subsection (11) of section 27 there shall be substituted—
- “(11) The provisions excluded by subsection (10) above from subsection (5) shall remain in force until 15th June 1992 and then expire but shall be—
- (a) included in the provisions to which subsection (3) of section 69 of the said Act of 1991 applies (provisions that can be continued in force, repealed or revived by order); and
 - (b) treated as part of that Act for the purposes of subsection (9) of that section (repeal at end of five years).”

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- (6) In paragraph 7(4) of Schedule 3 for the words “sections 14 and 15 of the Northern Ireland (Emergency Provisions) Act 1987” there shall be substituted the words “sections 44 and 45 of the Northern Ireland (Emergency Provisions) Act 1991”.
- (7) In paragraph 8(1) of Schedule 4, in the definition of “a Northern Ireland order” after the words “paragraph 23” there shall be inserted the words “ or 25A ”.
- (8) In paragraph 18(1) of Schedule 4, in the definition of “a Northern Ireland order” after the words “paragraph 23” there shall be inserted the words “ or 25A ”.
- (9) After paragraph 25 of Schedule 4 there shall be inserted—

“25A (1) The power to make a restraint order under the provisions of paragraphs 23 and 24 above shall be exercisable by the Secretary of State in any case in which it appears to him that the information which it would be necessary to provide in support of an application to the High Court or a judge under those provisions would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary or a person authorised under section 57 of the Northern Ireland (Emergency Provisions) Act 1991 to investigate an offence under Part III of this Act.

(2) In their application by virtue of sub-paragraph (1) above paragraphs 23 to 25 above shall have effect with the necessary modifications and as if references to the High Court were references to the Secretary of State.

(3) An order made by the Secretary of State by virtue of this paragraph may be varied or discharged by the High Court under paragraph 23(5) or 24(2) above.

25B (1) A person who, without lawful authority or reasonable excuse (the proof of which lies on him), contravenes a restraint order is guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;

(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(2) Nothing in sub-paragraph (1) above shall be taken to prejudice any power of the High Court to deal with the contravention of a restraint order as a contempt of court.”

Extent Information

E1 Sch. 7 para. 5 except para. 5(2)(3)(7)(8) extends to Northern Ireland only

Marginal Citations

M5 1989 c. 4.

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The Police and Criminal Evidence (Northern Ireland) Order 1989

- 6 (1) The ^{M6}Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) In Article 4(3), for paragraph (b) there shall be substituted—
- “(b) section 19, section 20 (insofar as the powers under that section are exercisable by a constable) and section 26 of the Northern Ireland (Emergency Provisions) Act 1991, and”.
- (3) In Article 30(3) for the words “section 14(2) of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 18(2) of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (4) In Article 54(2) for the words “section 15(3)(b) of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 19(6)(b) of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (5) In Article 74(9) for the words “section 8 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 11 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (6) In Article 76(2)(b) for the words “subsection (1) of section 8 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ subsection (1) of section 11 of the Northern Ireland (Emergency Provisions) Act 1991 ”.

Marginal Citations

M6 [S.I.1989/1341 \(N.I.12\)](#).

The Insolvency (Northern Ireland) Order 1989

- 7 Article 255 of the ^{M7}Insolvency (Northern Ireland) Order 1989 shall have effect as if the reference to a fine included a reference to a confiscation order made under section 47 of this Act.

Marginal Citations

M7 [S.I.1989/2405 \(N.I.19\)](#).

The Criminal Justice (Confiscation) (Northern Ireland) Order 1990

- 8 In Article 2(4)(b) of the ^{M8}Criminal Justice (Confiscation) (Northern Ireland) Order 1990 after “1989” there shall be inserted the words “ or a relevant offence within the meaning of Part VII of the Northern Ireland (Emergency Provisions) Act 1991 ”.

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Marginal Citations

M8 [S.I.1990/2588 \(N.I.17\)](#).

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