



# Northern Ireland (Emergency Provisions) Act 1991

## 1991 CHAPTER 24

### PART II

#### POWERS OF ARREST, SEARCH AND SEIZURE, ETC.

#### **19 Power to search for munitions, radio transmitters and scanning receivers**

- (1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place other than a dwelling-house for the purpose of ascertaining—
  - (a) whether there are any munitions unlawfully at that place; or
  - (b) whether there is a transmitter at that place;and may search the place for any munitions or transmitter with a view to exercising the powers conferred by subsection (7) below.
- (2) Any member of Her Majesty's forces on duty authorised by a commissioned officer of those forces or any constable authorised by an officer of the Royal Ulster Constabulary not below the rank of chief inspector may enter any dwelling-house in which there are reasonable grounds for suspecting that there are unlawfully any munitions or that there is a transmitter and may search it for any munitions or transmitter with a view to exercising the said powers.
- (3) If it is necessary for the purpose of effectively carrying out a search—
  - (a) a member of Her Majesty's forces or constable exercising the powers conferred by subsection (1) above may be accompanied by other persons; and
  - (b) any authority given under subsection (2) above may authorise other persons to accompany the member of Her Majesty's forces or constable to whom the authority is given.
- (4) If the member of Her Majesty's forces or constable carrying out a search under subsection (1) or (2) above reasonably believes that it is necessary to do so for the purpose of effectively carrying out the search or of preventing the frustration of its object he may—

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- (a) require any person who when the search begins is on, or during the search enters, the premises or other place where the search is carried out (“the place of search”) to remain in, or in a specified part of, that place, to refrain from entering a specified part of it or to go from one specified part of it to another specified part;
  - (b) require any person who is not resident in the place of search to refrain from entering it; and
  - (c) use reasonable force to secure compliance with any such requirement.
- (5) No requirement imposed under subsection (4) above shall have effect after the conclusion of the search in relation to which it was imposed; and no such requirement shall be imposed or have effect after the end of the period of four hours beginning with the time when that or any other requirement was first imposed under that subsection in relation to the search in question but an officer of the Royal Ulster Constabulary not below the rank of superintendent may extend that period by a further period of four hours if he reasonably believes that it is necessary to do so for the purpose mentioned in that subsection.
- (6) Any member of Her Majesty’s forces on duty or any constable may—
  - (a) stop any person in any public place and, with a view to exercising the powers conferred by subsection (7) below, search him for the purpose of ascertaining whether he has any munitions unlawfully with him or any transmitter with him; and
  - (b) with a view to exercising the said powers—
    - (i) search any person not in a public place who he has reasonable grounds to suspect has any munitions unlawfully with him or any transmitter with him; and
    - (ii) search any person entering or found in a dwelling-house entered under subsection (2) above.
- (7) Where a member of Her Majesty’s forces or a constable is empowered by virtue of any provision of this Act to search any premises or other place or any person—
  - (a) he may seize any munitions found in the course of the search (unless it appears to him that the munitions are being, have been and will be used only lawfully) and may retain and, if necessary, destroy them; and
  - (b) he may seize any transmitter found in the course of the search (unless it appears to him that the transmitter has been, is being and is likely to be used only lawfully) and may retain it.
- (8) Where a member of Her Majesty’s forces or a constable carries out a search under subsection (1) or (2) above he shall, unless it is not practicable to do so, make a written record of the search which shall specify—
  - (a) the address of the premises, or a description of the place, which is searched;
  - (b) the date and time of the search;
  - (c) any damage caused in the course of the search; and
  - (d) anything seized in the course of the search.
- (9) Such a record shall also include the name (if known) of any person appearing to the person making the record to be the occupier of the premises or other place searched; but—
  - (a) a person may not be detained to find out his name; and

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- (b) if the person making the record does not know the name of a person appearing to him to be the occupier of the premises or other place searched, he shall include in the record a note otherwise describing him.
- (10) Such a record shall identify the person by whom the search is carried out—
- (a) in the case of a constable, by reference to his police number; and
  - (b) in the case of a member of Her Majesty’s forces, by reference to his service number, rank and regiment.
- (11) Where a record of a search is made under this section a copy of the record shall be supplied at once or, where that is not practicable, as soon as is practicable to any person appearing to the person making the record to be the occupier of the premises or other place searched.
- (12) A person who wilfully fails to comply with a requirement imposed under subsection (4) above or wilfully obstructs, or seeks to frustrate the object of, a search in relation to which such a requirement has been or could be imposed is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two 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.
- (13) The preceding provisions of this section shall have effect in relation to scanning receivers as they have effect in relation to transmitters.
- (14) In this section—
- “munitions” means—
    - (a) explosives, explosive substances, firearms and ammunition; and
    - (b) anything used or capable of being used in the manufacture of any explosive, explosive substance, firearm or ammunition;
  - “scanning receiver” means—
    - (a) any apparatus for wireless telegraphy designed or adapted for the purpose of automatically monitoring selected frequencies, or automatically scanning a selected range of frequencies, so as to enable transmissions on any of those frequencies to be detected or intercepted;  
or
    - (b) part of any such apparatus;
  - “transmitter” means any apparatus for wireless telegraphy designed or adapted for emission, as opposed to reception, or part of any such apparatus;
  - “wireless telegraphy” has the same meaning as in section 19(1) of the Wireless Telegraphy Act 1949.