



Northern Ireland (Emergency Provisions) Act 1996

CHAPTER 22

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1996

PART I

SCHEDULED OFFENCES

The scheduled offences

- 1 The scheduled offences.

Preliminary inquiries, bail and young persons in custody

- 2 Preliminary inquiry into scheduled offences.
- 3 Limitation of power to grant bail in case of scheduled offences.
- 4 Legal aid to applicants for bail in case of scheduled offences.
- 5 Maximum period of remand in custody in case of scheduled offences.
- 6 Holding in custody of young persons charged with scheduled offences.
- 7 Directions under section 6.

Time limits on preliminary proceedings

- 8 Power of Secretary of State to set time limits in relation to preliminary proceedings for scheduled offences.
- 9 Section 8: supplementary provisions.

Court and mode of trial

- 10 Court for trial of scheduled offences.
- 11 Mode of trial on indictment of scheduled offences.

Status: Point in time view as at 31/01/1999.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1996 (repealed). (See end of Document for details)

Evidence and onus of proof

- 12 Admissions by persons charged with scheduled offences.
- 13 Onus of proof in relation to offences of possession.

Treatment of offenders

- 14 Treatment of children convicted of scheduled offences.
- 15 Restricted remission for persons sentenced for scheduled offences.
- 16 Conviction of scheduled offence during period of remission.

PART II

POWERS OF ARREST, SEARCH AND SEIZURE, ETC.

- 17 Entry and search of premises for purpose of arresting terrorists.
- 18 Constables' general power of arrest and seizure.
- 19 Powers of arrest and seizure by members of Her Majesty's forces.
- 20 Power to search for munitions, radio transmitters and scanning receivers.
- 21 Section 20: supplementary provisions.
- 22 Powers of explosives inspectors.
- 23 Entry to search for persons unlawfully detained.
- 24 Examination of documents.
- 25 Power to stop and question.
- 26 General powers of entry and interference with rights of property and with highways.
- 27 Power of Secretary of State to direct the closure, etc. of roads.
- 28 Supplementary provisions.

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- 29 Directing terrorist organisation.
- 30 Proscribed organisations.
- 30A Evidence and inferences.
- 30B Specified organisations.
- 31 Display of support in public for a proscribed organisation.
- 32 Possession of items intended for terrorist purposes.
- 33 Unlawful collection, etc. of information.
- 34 Training in making or use of firearms, explosives or explosive substances.
- 35 Wearing of hoods, etc. in public places.

PART IV

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- 36 Detention orders.

PART V

REGULATION OF THE PROVISION OF PRIVATE SECURITY SERVICES

- 37 Prohibition on provision of security services without a certificate.
- 38 Applications for certificates.
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- 40 Duty to notify Secretary of State of changes of personnel.
- 41 Records of employees.
- 42 Payments in respect of the provision of security services.
- 43 Liability of directors, etc.
- 44 Notifications.

PART VI

PERSONS IN POLICE CUSTODY UNDER TERRORISM PROVISIONS

- 45 The terrorism provisions and police custody.
- 46 Right to have someone informed of detention under terrorism provisions.
- 47 Right of access to legal advice.
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- 50 Explosives factories, magazines and stores.
- 51 Independent Assessor of Military Complaints Procedures in Northern Ireland.
- 52 Codes of practice: police powers.
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- 54 Codes of practice: supplementary.
- 55 Right to compensation.
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- 58 General interpretation.
- 59 Repeal of Northern Ireland (Emergency Provisions) Act 1991.
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- 62 Commencement, duration, expiry and revival of provisions of this Act.
- 63 Savings, amendments and repeals.
- 64 Short title and extent.

SCHEDULES

SCHEDULE 1 — The Scheduled Offences Part I — SUBSTANTIVE OFFENCES

Common law offences

- 1 Murder subject to note 1 below.
- 2 Manslaughter subject to note 1 below.
- 3 Riot subject to note 1 below.
- 4 Kidnapping subject to note 1 below.

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- 5 False imprisonment subject to note 1 below.

Malicious Damage Act 1861 (c. 97)

- 6 Offences under section 35 of the Malicious Damage Act 1861...

Offences against the Person Act 1861 (c. 100)

- 7 Offences under the following provisions of the Offences against the...

Explosive Substances Act 1883 (c. 3)

- 8 Offences under the following provisions of the Explosive Substances Act...

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

- 9 Offences under the following provisions of the Prison Act (Northern...

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

- 10 Offences under the following provisions of the Theft Act (Northern...

Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))

- 11 Offences under the following provisions of the Protection of the...

Hijacking

- 12 Offences under section 1 of the Aviation Security Act 1982...

- 13 Offences in Northern Ireland under section 2 of the Criminal...

Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))

- 14 Offences under the following provisions of the Criminal Damage (Northern...

Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))

- 15 Offences under Article 3 of the Criminal Law (Amendment) (Northern...

Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))

- 16 Offences under the following provisions of the Firearms (Northern Ireland)...

Taking of Hostages Act 1982 (c. 28)

- 17 Offences under the Taking of Hostages Act 1982 subject to...

Nuclear Material (Offences) Act 1983 (c. 18)

- 18 Offences under section 2 of the Nuclear Material (Offences) Act...

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

- 19 Offences under the following provisions of the Prevention of Terrorism...

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Aviation and Maritime Security Act 1990 (c. 31)

20 Offences under the following provisions of the Aviation and Maritime...

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

21 Offences under the following provisions of the Channel Tunnel (Security)...

This Act

22 Offences under the following provisions of this Act—

Notes

- 1 Any offence specified in this Part of this Schedule which...
- 2 An offence specified in paragraph 10(a), (c) or (e) is...
- 3 An offence specified in paragraph 10(b) or (d) is a...
- 4 The offence specified in paragraph 16(g) is a scheduled offence...

Part II — INCHOATE AND RELATED OFFENCES

Each of the following offences, that is to say— aiding,...

Part III — EXTRA-TERRITORIAL OFFENCES

SCHEDULE 2 — Proscribed Organisations

The Irish Republican Army. Cumann na mBan. Fianna na hEireann....

SCHEDULE 3 — Detention of Terrorists

Advisers

- 1 The Secretary of State shall for the purposes of this...
- 2 An Adviser shall be a person who holds or has...
- 3 (1) An Adviser shall hold and vacate his office in...

Interim custody orders

- 4 (1) Where it appears to the Secretary of State that...
- 5 (1) The Secretary of State may, at any time before...

Reference to an Adviser

- 6 (1) As soon as possible after a case is referred...
- 7 (1) Where the case of a person detained under an...

Detention orders

- 8 (1) After receiving a report made by an Adviser under...

Supplemental

- 9 (1) The Secretary of State may at any time refer...
- 10 (1) The Secretary of State may, as respects a person...
- 11 (1) A person required to be detained under an interim...
- 12 Where a person required to be detained under an interim...
- 13 Any person who— (a) being detained under an interim custody...
- 14 (1) Any document purporting to be an order, notice or...
- 15 The Secretary of State may make such payments to persons...

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SCHEDULE 4 — Independent Assessor of Military Complaints Procedures in Northern Ireland

Tenure of office

1 (1) Subject to the following provisions of this paragraph, the...

Remuneration etc.

2 (1) There shall be paid to the Independent Assessor such...

Staff

3 (1) The Independent Assessor may appoint such number of employees...

Reports

4 (1) The Independent Assessor shall prepare an annual report on...

Disqualification

5 In Part III of Schedule 1 to the Northern Ireland...

SCHEDULE 5 — Scheduled Offences: Transitional Provisions

1 In this Schedule “commencement” means the time when this Act...

2 (1) This Schedule applies to offences which—

3 Paragraph 2(2) shall not apply in relation to section 2...

4 Paragraph 2(2) shall not apply in relation to section 3...

5 Paragraph 2(2) shall not apply in relation to section 4...

6 Paragraph 2(2) shall not apply in relation to section 5...

7 Paragraph 2(2) shall not apply in relation to section 6...

8 Paragraph 2(2) shall not apply in relation to section 8...

9 Paragraph 2(2) shall not apply in relation to sections 10...

10 Paragraph 2(2) shall not apply in relation to sections 14...

11 Paragraph 2(2) shall not apply in relation to section 18...

12 Paragraph 2(2) shall not apply in relation to section 46(8)(a)...

13 Paragraph 2(2) shall not apply in relation to section 47(8)(a)...

14 Paragraph 2(2) shall not apply in relation to section 53(7)...

15 Note 1 of Part I of Schedule 1 shall apply...

SCHEDULE 6 — Consequential Amendments

The Elected Authorities (Northern Ireland) Act 1989 (c. 3)

1 The Elected Authorities (Northern Ireland) Act 1989 shall be amended...

2 In section 6(5) (breach of terms of declaration), in the...

3 In Schedule 2 (declaration against terrorism), for the words “Schedule...

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

4 The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be...

5 In section 10(3) (contributions to resources of proscribed organisations), for...

6 (1) Section 17 (investigation of terrorist activities) shall be amended...

7 (1) Section 27 (commencement and duration) shall be amended as...

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- 8 In paragraph 7(4) of Schedule 3 (supervision of detention and...
- 9 (1) Schedule 4 (forfeiture orders) shall be amended as follows....
- 10 In paragraph 8(1) of Schedule 7 (terrorist investigations), for the...

The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 11 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...
- 12 In Article 4(3) (provisions relating to powers to stop and...
- 13 In Article 30(3) (information to be given on arrest), for...
- 14 In Article 54(2) (abolition of certain powers of constables to...
- 15 At the beginning of Article 61(9)(b) (fingerprinting), there shall be...
- 16 In Article 74(9) (confessions), for the words “section 11 of...
- 17 In Article 76(2)(b) (exclusion of unfair evidence), for the words...

The Northern Ireland (Remission of Sentences) Act 1995 (c. 47)

- 18 (1) Section 1 of the Northern Ireland (Remission of Sentences)...

SCHEDULE 7 — Repeals and Revocations

Part I — ENACTMENTS

Part II — ORDERS AND REGULATIONS

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