



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.

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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.
- 39 Issue, duration and revocation of 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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- 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.
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- 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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