



Northern Ireland (Emergency Provisions) Act 1996 (repealed)

1996 CHAPTER 22

PART III

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

29 Directing terrorist organisation.

Any person who directs, at any level, the activities of an organisation which is concerned in the commission of acts of terrorism is guilty of an offence and liable on conviction on indictment to imprisonment for life.

Modifications etc. (not altering text)

C1 S. 29 restricted (28.7.1998) by 1998 c. 35, s. 14(2)(b); S.I. 1998/1858, art. 2

C2 S. 29 restricted (27.2.1997) by 1997 c. 7, s. 4(1), Sch. para. 10 (with s. 11(2))

30 Proscribed organisations.

- (1) Subject to subsection (6), any person who—
- (a) belongs or professes to belong to a proscribed organisation; or
 - (b) solicits or invites support for a proscribed organisation other than support with money or other property; or
 - (c) solicits or invites any person to become a member of a proscribed organisation or to carry out on behalf of a proscribed organisation orders or directions given, or requests made, by a member of that organisation; or
 - (d) arranges or assists in the arrangement or management of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting—
 - (i) is to support a proscribed organisation;

Status: Point in time view as at 25/08/1996. This version of this part contains provisions that are not valid for this point in time.

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legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1996 (repealed), Part III.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

- (ii) is to further the activities of such an organisation; or
 - (iii) is to be addressed by a person belonging or professing to belong to such an organisation,

is guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both and on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (2) The organisations specified in Schedule 2 to this Act are proscribed organisations for the purposes of this Act; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.
- (3) The Secretary of State may by order add to Schedule 2 to this Act any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it.
- (4) The Secretary of State may also by order remove an organisation from Schedule 2 to this Act.
- (5) The possession by a person of a document—
 - (a) addressed to him as a member of a proscribed organisation; or
 - (b) relating or purporting to relate to the affairs of a proscribed organisation; or
 - (c) emanating or purporting to emanate from a proscribed organisation or officer of a proscribed organisation,

shall be evidence of that person belonging to the organisation at the time when he had the document in his possession.
- (6) A person belonging to a proscribed organisation shall—
 - (a) if the organisation is a proscribed organisation by virtue of an order under subsection (3); or
 - (b) if this section has ceased to be in force but has been subsequently brought into force by an order under section 62(3),

not be guilty of an offence under this section by reason of belonging to the organisation if he has not after the coming into force of the order under subsection (3) or the coming into force again of this section, as the case may be, taken part in any activities of the organisation.
- (7) Subsection (6) shall apply in relation to a person belonging to the Red Hand Commando, the Ulster Freedom Fighters, the Ulster Volunteer Force, the Irish National Liberation Army, the Irish People’s Liberation Organisation or the Ulster Defence Association as if the organisation were proscribed by virtue of an order under subsection (3) with the substitution in subsection (6) for the reference to the coming into force of such an order of a reference—
 - (a) as respects a person belonging to the Red Hand Commando or the Ulster Freedom Fighters, to 12th November 1973;
 - (b) as respects a person belonging to the Ulster Volunteer Force, to 4th October 1975;
 - (c) as respects a person belonging to the Irish National Liberation Army, to 3rd July 1979;
 - (d) as respects a person belonging to the Irish People’s Liberation Organisation, to 29th March 1990;

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- (e) as respects a person belonging to the Ulster Defence Association, to 11th August 1992.

Modifications etc. (not altering text)

- C3 S. 30(1) restricted (28.7.1998) by 1998 c. 35, s. 14(2)(b); S.I. 1998/1858, art. 2
C4 S. 30(1)(c) restricted (27.2.1997) by 1997 c. 7, s. 4(1), Sch. para. 10(b) (with s. 11(2))
C5 S. 30(1)(d)(ii)(iii) restricted (27.2.1997) by 1997 c. 7, s. 4(1), Sch. para. 10 (with s. 11(2))

VALID FROM 04/09/1998

[^{F1}30A Evidence and inferences.

- (1) This section applies where a person is charged with an offence under section 30(1) (a); and references here to a specified organisation must be construed in accordance with section 30B.
- (2) Subsection (3) applies if a police officer of or above the rank of superintendent states in oral evidence that in his opinion the accused—
- (a) belongs to an organisation which is specified, or
 - (b) belonged at a particular time to an organisation which was then specified.
- (3) If this subsection applies—
- (a) the statement shall be admissible as evidence of the matter stated, but
 - (b) the accused shall not be committed for trial or be found to have a case to answer or be convicted solely on the basis of the statement.
- (4) Subsection (6) applies if evidence is given that—
- (a) at any time before being charged with the offence the accused, on being questioned under caution by a constable, failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
 - (b) before being questioned he was permitted to consult a solicitor.
- (5) Subsection (6) also applies if evidence is given that—
- (a) on being charged with the offence or informed by a constable that he might be prosecuted for it the accused failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
 - (b) before being charged or informed he was permitted to consult a solicitor.
- (6) If this subsection applies—
- (a) the court, in considering any question whether the accused belongs or belonged at a particular time to a specified organisation, may draw from the failure inferences relating to that question, but
 - (b) the accused shall not be committed for trial or be found to have a case to answer or be convicted solely on the basis of the inferences.
- (7) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.

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- (8) This section does not—
- (a) prejudice the admissibility of evidence admissible apart from this section;
 - (b) preclude the drawing of inferences which could be drawn apart from this section;
 - (c) prejudice an enactment providing (in whatever words) that an answer or evidence given by a person in specified circumstances is not admissible in evidence against him or some other person in any proceedings or class of proceedings (however described, and whether civil or criminal).
- (9) In subsection (8)(c) the reference to giving evidence is a reference to giving it in any manner (whether by giving information, making discovery, producing documents or otherwise).
- (10) In this section “police officer” means a member of—
- (a) a police force within the meaning of the ^{M1}Police Act 1996 or the ^{M2}Police (Scotland) Act 1967, or
 - (b) the Royal Ulster Constabulary.
- (11) This section does not apply to a statement made or failure occurring before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed.]

Textual Amendments

F1 Ss. 30A, 30B inserted (4.9.1998) by 1998 c. 40, s. 2

Marginal Citations

M1 1996 c. 16.

M2 1967 c. 77.

VALID FROM 04/09/1998

^{F2}30B Specified organisations.

- (1) For the purposes of section 30A an organisation is specified at a particular time if at that time—
 - (a) it is specified under section 3(8) of the ^{M3}Northern Ireland (Sentences) Act 1998 or under subsection (2) below, and
 - (b) it is, or forms part of, an organisation which is proscribed for the purposes of this Act.
- (2) If the condition in subsection (3) is satisfied the Secretary of State may by order specify an organisation which is not specified under section 3(8) of the Northern Ireland (Sentences) Act 1998.
- (3) The condition is that the Secretary of State believes that the organisation—
 - (a) is concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and
 - (b) has not established or is not maintaining a complete and unequivocal ceasefire.

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- (4) An order under this section shall be made by statutory instrument; and no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Textual Amendments

F2 Ss. 30A, 30B inserted (4.9.1998) by 1998 c. 40, s. 2

Marginal Citations

M3 1998 c. 35.

31 Display of support in public for a proscribed organisation.

Any person who in a public place—

- (a) wears any item of dress; or
- (b) wears, carries or displays any article, in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation is guilty of an offence and liable—
 - (i) on conviction on indictment, to imprisonment for a term not exceeding one year or a fine or both;
 - (ii) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

Modifications etc. (not altering text)

- C6** S. 31 restricted (27.2.1997) by 1997 c. 7, s. 4(1), **Sch. para. 10(d)** (with s. 11(2))
C7 S. 31 restricted (28.7.1998) by 1998 c. 35, s. 14(2)(b); S.I. 1998/1858, **art. 2**

32 Possession of items intended for terrorist purposes.

- (1) A person is guilty of an offence if he has any article in his possession in circumstances giving rise to a reasonable suspicion that the item is in his possession for a purpose connected with the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland.
- (2) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence the article in question was not in his possession for such a purpose as is mentioned in subsection (1).
- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding ten 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.
- (4) Subsections (1), (2) and (5) of section 13 shall apply where a person is charged with possessing an article in such circumstances as to constitute an offence under this section as they apply where a person is charged with possessing a proscribed article in such circumstances as are there mentioned.

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Modifications etc. (not altering text)

- C8** S. 32 restricted (27.2.1997) by 1997 c. 7, s. 4(1), **Sch. para. 10(e)** (with s. 11(2))
- C9** S. 32 modified (20.7.2000) (in so far as continued by virtue of Sch. 1 of the modifying Act) by 2000 c. 11, **ss. 118(5)(b), 128**

33 Unlawful collection, etc. of information.

- (1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him)—
- (a) collect, record, publish, communicate or attempt to elicit any information with respect to any person to whom this paragraph applies which is of such a nature as is likely to be useful to terrorists;
 - (b) collect or record any information which is of such a nature as is likely to be useful to terrorists in planning or carrying out any act of violence; or
 - (c) have in his possession any record or document containing any such information as is mentioned in paragraph (a) or (b).
- (2) Subsection (1)(a) applies to any of the following persons, that is to say—
- (a) any constable or member of Her Majesty's forces;
 - (b) any person holding judicial office;
 - (c) any officer of any court;
 - (d) any person employed for the whole of his time in the prison service in Northern Ireland; and
 - (e) any person who has at any time been a person falling within any of the preceding paragraphs.
- (3) In subsection (1) any reference to recording information includes a reference to recording it by means of photography or by any other means.
- (4) Any person who contravenes this section is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten 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.
- (5) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any record or document mentioned in subsection (1) which is found in his possession.
- (6) Subsections (1), (2) and (5) of section 13 shall apply where a person is charged with an offence under subsection (1)(c) above as they apply where a person is charged with possessing a proscribed article in such circumstances as are mentioned in section 13.
- (7) Without prejudice to section 18 of the ^{M4}Interpretation Act 1978 (offences under two or more laws), nothing in this section shall derogate from the operation of the Official Secrets Acts 1911 to 1989.

Modifications etc. (not altering text)

- C10** S. 33 modified (20.7.2000) (in so far as continued by virtue of Sch. 1 of the modifying Act) by 2000 c. 11, **ss. 118(5)(b), 128**

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Marginal Citations

M4 1978 c. 30.

34 Training in making or use of firearms, explosives or explosive substances.

- (1) Subject to subsection (2), any person who instructs or trains another or receives instruction or training in the making or use of firearms, explosives or explosive substances is guilty of an offence and liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding ten 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) In any prosecution for an offence under this section it shall be a defence for the person charged to prove that the instruction or training was given or received with lawful authority or for industrial, agricultural or sporting purposes only or otherwise with good reason.
- (3) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any thing which appears to the court to have been in his possession for purposes connected with the offence.
- (4) Without prejudice to section 18 of the Interpretation Act 1978 (offences under two or more laws), nothing in this section shall derogate from the operation of the ^{M5}Unlawful Drilling Act 1819.

Marginal Citations

M5 1819 c. 1.

35 Wearing of hoods, etc. in public places.

Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), wears in a public place or in the curtilage of a dwelling-house (other than one in which he is residing) any hood, mask or other article whatsoever made, adapted or used for concealing the identity or features is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding one year 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.

Modifications etc. (not altering text)

C11 S. 35 restricted (27.2.1997) by 1997 c. 7, s. 4(1), Sch. para. 10(f) (with s. 11(2))

C12 S. 35 restricted (28.7.1998) by 1998 c. 35, s. 14(2)(b); S.I 1998/1858, art. 2

Status:

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Changes to legislation:

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