Northern Ireland (Emergency Provisions) Act 1996 (repealed)

1996 CHAPTER 22

PART VII

MISCELLANEOUS

49 Supplementary regulations for preserving the peace, etc.

(1) The Secretary of State may by regulations make provision additional to the foregoing provisions of this Act for promoting the preservation of the peace and the maintenance of order.

(2) Regulations under this section may authorise the Secretary of State to make orders for such purposes as may be specified in the regulations.

(3) Any person contravening or failing to comply with the provisions of any regulations under this section or any instrument or directions under any such regulations is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

50 Explosives factories, magazines and stores.

(1) The grounds on which the Secretary of State may reject an application for a licence under section 6 of the [M1]Explosives Act 1875 (new explosives factories and magazines) shall include the ground that the establishment of the factory or magazine in question is undesirable in the interests of safeguarding national security or protecting public safety; and a licence granted under that section may be withdrawn by him on that ground at any time before it comes into force.

(2) The Secretary of State may also refuse a licence under section 15 or registration under section 21 of that Act (explosives stores and other premises for keeping explosives) on the ground that the establishment of the store or, as the case may be, the keeping of

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explosives on the premises in question is undesirable in the interests of safeguarding national security or protecting public safety.

Marginal Citations

M1 1875 c. 17.

51 Independent Assessor of Military Complaints Procedures in Northern Ireland.

(1) The Secretary of State may appoint a person to be known as the Independent Assessor of Military Complaints Procedures in Northern Ireland (in this Act referred to as "the Independent Assessor").

(2) A person shall not be eligible for appointment as the Independent Assessor if he is, or at any time during the period of twenty years ending with the date of the appointment has been, a serving member of Her Majesty's forces.

(3) Schedule 4 to this Act shall have effect with respect to the Independent Assessor.

(4) The Independent Assessor—

(a) shall keep under review the procedures adopted by the General Officer Commanding Northern Ireland ("the GOC") for receiving, investigating and responding to relevant complaints;

(b) shall receive and investigate any representations concerning those procedures;

(c) may investigate the operation of those procedures in relation to any particular complaint or group of complaints;

(d) may require the GOC to review any particular case or group of cases in which the Independent Assessor considers any of those procedures to have operated inadequately; and

(e) may make to the GOC recommendations concerning any inadequacies in those procedures, including inadequacies in the way in which they operate in relation to any particular complaint, group of complaints or description of complaints.

(5) In this section "relevant complaint" means a complaint relating to the behaviour of any member of Her Majesty's forces under the command of the GOC, other than—

(a) any complaint which has been referred by the GOC to the Royal Ulster Constabulary and not remitted by the Royal Ulster Constabulary to the GOC to be dealt with by him; and

(b) any complaint relating to a matter in respect of which a claim for compensation has been made under section 55 below or which is the subject of proceedings involving a claim for compensation which have been instituted in any court.

(6) The GOC shall—

(a) furnish such information;

(b) disclose such documents; and

(c) provide such assistance,

as the Independent Assessor may reasonably require for the purpose of the performance of his functions.

52 Codes of practice: police powers.

(1) The Secretary of State shall make codes of practice in connection with the detention, treatment, questioning and identification of persons detained under the [M2]Prevention of Terrorism (Temporary Provisions) Act 1989.

(2) The Secretary of State may make codes of practice in connection with—
- (a) the exercise by police officers of any power conferred by Part II of this Act or by that Act; and
- (b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act or that Act.

(3) The Secretary of State may make codes of practice in connection with the exercise by members of Her Majesty's forces of any of their powers under Part II of this Act.

(4) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

Marginal Citations
M2 1989 c. 4.

53 Video recording.

(1) The Secretary of State shall—
- (a) make a code of practice in connection with the silent video recording of interviews to which this section applies; and
- (b) make an order requiring the silent video recording of interviews to which this section applies in accordance with the code as it has effect for the time being.

(2) This section applies to interviews held by police officers of persons detained under section 14(1)(a) or (b) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of suspected persons).

(3) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

VALID FROM 08/04/1998

[53A [F1]Audio recording.

(1) The Secretary of State shall—
- (a) make a code of practice in connection with the audio recording of interviews to which this section applies; and
- (b) make an order requiring the audio recording of interviews to which this section applies in accordance with the code as it has effect for the time being.

(2) This section applies to—
- (a) interviews held by police officers of persons detained under section 14(1)(a) or (b) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of suspected persons), and

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(b) interviews held by police officers in such other circumstances as may be specified in an order under subsection (1)(b).

(3) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.**]**

Textual Amendments

F1 S. 53A inserted (8.4.1998) by 1998 c. 9, **s. 5**

54 Codes of practice: supplementary.

(1) This section applies to a code of practice under section 52 or 53.

(2) When the Secretary of State proposes to issue a code of practice he shall prepare and publish a draft of the code, shall consider any representations made to him about the draft and may modify the draft accordingly.

(3) The Secretary of State shall lay before both Houses of Parliament a draft of any code of practice prepared by him; and when he has laid the draft of the code before both Houses he may by order bring the code into operation.

(4) An order bringing a code of practice into operation may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient.

(5) The Secretary of State may from time to time revise the whole or any part of a code of practice issued by him and issue the code as revised; and subsections (2) to (4) shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.

(6) A failure on the part of a police officer to comply with any provision of a code shall not of itself render him liable to any criminal or civil proceedings.

(7) A failure on the part of a member of Her Majesty's forces to comply with any provision of a code shall not of itself render him liable to any criminal or civil proceedings other than—

(a) proceedings under any provision of the [M3]Army Act 1955 or the [M4]Air Force Act 1955 other than section 70 (civil offences); and

(b) proceedings under any provision of the [M5]Naval Discipline Act 1957 other than section 42 (civil offences).

(8) In all criminal and civil proceedings any code shall be admissible in evidence; and if any provision of a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(9) In this section—

"criminal proceedings" includes proceedings in Northern Ireland before a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the 1957 Act and proceedings in Northern Ireland before the Courts-Martial Appeal Court;

"police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

Marginal Citations

M3 1955 c. 18.
M4 1955 c. 19.
M5 1957 c. 53.

55 Right to compensation.

(1) Where under this Act any real or personal property is taken, occupied, destroyed or damaged, or any other act is done interfering with private rights of property, compensation shall, subject to the provisions of this section, be payable by the Secretary of State to any person who—
  (a) has an estate or interest in that property or (as the case may be) is entitled to those rights of property, and
  (b) suffers loss or damage as a result of the act.

(2) No compensation shall be payable under this section in respect of any act falling within subsection (1) unless an application for such compensation is made to the Secretary of State, in such manner as he may specify, within—
  (a) the period of four months beginning with the date when the act was done, or
  (b) such longer period beginning with that date and not exceeding twelve months as—
    (i) the Secretary of State on a request being made to him in writing, or
    (ii) the county court on an appeal under subsection (3),
  may in a particular case allow.

(3) Where the Secretary of State refuses any request made to him for the purposes of subsection (2)(b), he shall serve a notice of his refusal on the person who made the request, and that person may, within the period of six weeks beginning with the date of service of the notice, appeal to the county court against that refusal.

(4) Where the Secretary of State has determined any application for compensation made in accordance with subsection (2), he shall serve on the applicant either—
  (a) a notice stating that he has decided to award the applicant compensation in pursuance of his application and specifying the amount of the award, or
  (b) a notice stating that he has decided to refuse the application;
  and the applicant may within the period of six weeks beginning with the date of service of the notice appeal to the county court against the decision of the Secretary of State to pay the amount of compensation specified in the notice or (as the case may be) to refuse the application and unless he so appeals within that period that decision shall become in all respects final and binding.

(5) Any notice served under subsection (3) or (4) shall contain particulars of the right of appeal under that subsection and, in the case of a notice served under subsection (4), of the consequences of a failure to exercise that right.

(6) Where—

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(a) a person having a right to compensation under this section has made an application in accordance with subsection (2), and

(b) by virtue of any assignment or operation of law that right has passed to any other person,

that other person (or, if he is subject to any legal disability, the person appearing to the Secretary of State to be entitled to act on his behalf) may be treated by the Secretary of State as the applicant for the purposes of any provision of this section.

(7) Where—

(a) a person has a right to compensation in respect of any act falling within subsection (1), and

(b) the act was done in connection with, or revealed evidence of the commission of—

(i) a scheduled offence, or

(ii) an offence under this Act other than a scheduled offence, and

(c) proceedings for that offence are brought against that person,

his right to such compensation shall not be enforceable at any time when any such proceedings have not been concluded or if he is convicted of the offence.

56 Compensation: notices.

Any notice required by section 55 to be served on any person by the Secretary of State may—

(a) if that person is an individual, be served on him—

(i) by delivering it to him, or

(ii) by sending it by post addressed to him at his usual or last-known place of residence or business, or

(iii) by leaving it for him there;

(b) if that person is a partnership, be served on the partnership—

(i) by sending it by post to a partner, or to a person having the control or management of the partnership business, at the principal office of the partnership, or

(ii) by addressing it to a partner or any such person and leaving it at that office;

(c) if that person is a body corporate, be served on the body—

(i) by sending it by post to the secretary or clerk of the body at its registered or principal office, or

(ii) by addressing it to the secretary or clerk of the body and leaving it at that office; or

(d) in any case, be served on that person's solicitor by delivering it to the solicitor, or by sending it by post to him at his office, or by leaving it for him there.

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