Northern Ireland (Emergency Provisions) Act 1996 (repealed)

1996 CHAPTER 22

PART VII

MISCELLANEOUS

Textual Amendments applied to the whole legislation

F1 Act repealed (19.2.2001) by 2000 c. 11, s. 125(2), **Sch. 16 Pt. I**; S.I. 2001/421, **arts. 2**, 3

F1 Act ceased to have effect (subject to temporary extension of specified provisions as mentioned below) (20.7.2000) (temporary extension: by ss. 2(2), 128, Sch. 1 paras. 1, 2(1) of 2000 c. 11 there is continued in force for a period of 12 months beginning with 20.7.2000 any provision of the Act (except ss. 26(1)(b), 35 and 50) if and so far as it is in force immediately before 20.7.2000 by virtue of an order under s. 62(3) of this Act)
Act wholly repealed (19.2.2001) by virtue of 2000 c. 11, ss. 2(1)(b), 125(2), 128, **Sch. 16 Pt. I**; S.I. 2001/421, **art. 2**

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.

Status: *Point in time view as at 25/08/2000.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1996 (repealed), Part VII. (See end of Document for details)*

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.

[[F1](2) This section applies to—

(a) interviews held by police officers of persons detained under section 14(1)(a) or (b) of the [M3]Prevention of Terrorism (Temporary Provisions) Act 1989 (arrest and detention of suspected persons), and

(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. 53(2) substituted (8.4.1998) by 1998 c. 9, **s. 4**

Marginal Citations

M3 1989 c. 4.

[53A [F2]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

F2 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 **[**[F3], 53 or 53A**]**.

(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 [M4]Army Act 1955 or the [M5]Air Force Act 1955 other than section 70 (civil offences); and

(b) proceedings under any provision of the [M6]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.

Textual Amendments

F3 Words in s. 54(1) substituted (8.4.1998) by 1998 c. 9, s. 7(1), **Sch. 1 para. 3(2)**

Marginal Citations

M4 1955 c. 18.

M5 1955 c. 19.

M6 1957 c. 53.

Status:
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Changes to legislation:
There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1996 (repealed), Part VII.