

SCHEDULES

SCHEDULE 6

Section 63(6).

CONSEQUENTIAL AMENDMENTS

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

- 1 The Elected Authorities (Northern Ireland) Act 1989 shall be amended as follows.
- 2 In section 6(5) (breach of terms of declaration), in the definition of “proscribed organisation” for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 3 In Schedule 2 (declaration against terrorism), for the words “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1996”.

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

- 4 The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- 5 In section 10(3) (contributions to resources of proscribed organisations), for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 6 (1) Section 17 (investigation of terrorist activities) shall be amended as follows.
- (2) In subsection (1)(a)(ii) for the words “section 27, 28, 53, 54 or 54A of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 29 or 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- (3) In subsection (1)(a)(iii) for the words “section 28 of the said Act of 1991” there shall be substituted the words “section 30 of the said Act of 1996”.
- (4) In subsection (1)(b) for the words “section 28(3) of that Act” there shall be substituted the words “section 30(3) of the Act of 1996”.
- (5) In subsection (2A) the words “or section 53, 54 or 54A of the Northern Ireland (Emergency Provisions) Act 1991” shall be omitted.
- (6) In subsection (2B) the words “or section 53(4A), 54(5D) or 54A(5) of the Act of 1991” shall be omitted.
- (7) In subsection (6) the words “or section 54A of the Act of 1991” shall be omitted.
- 7 (1) Section 27 (commencement and duration) shall be amended as follows.

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- (2) In subsection (10) for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- (3) For subsection (11) there shall be substituted—
- “(11) The provisions excluded by subsection (10) above from subsection (5) shall remain in force until 15th June 1997 and then expire but shall be—
- (a) included in the provisions to which subsection (3) of section 62 of the said Act of 1996 applies (provisions that can be continued in force, repealed or revived by order); and
- (b) treated as part of that Act for the purposes of subsection (10) of that section (repeal at end of two years).”.
- 8 In paragraph 7(4) of Schedule 3 (supervision of detention and examination powers), for the words “sections 44 and 45 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “sections 46 and 47 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 9 (1) Schedule 4 (forfeiture orders) shall be amended as follows.
- (2) In paragraph 8(1), in the definition of “a Northern Ireland order” for paragraph (b) there shall be substituted—
- “(b) an order made under paragraph 23 or 25A below (“a Northern Ireland restraint order”); or”.
- (3) In paragraph 18(1), in the definition of “a Northern Ireland order” for paragraph (b) there shall be substituted—
- “(b) an order made under paragraph 23 or 25A below (“a Northern Ireland restraint order”); or”.
- (4) After paragraph 25 there shall be inserted—
- “25A (1) The power to make a restraint order under the provisions of paragraphs 23 and 24 above shall be exercisable by the Secretary of State in any case in which it appears to him that the information which it would be necessary to provide in support of an application to the High Court or a judge under those provisions would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under Part III of this Act.
- (2) In their application by virtue of sub-paragraph (1) above paragraphs 23 to 25 above shall have effect with the necessary modifications and as if references to the High Court were references to the Secretary of State.
- (3) An order made by the Secretary of State by virtue of this paragraph may be varied or discharged by the High Court under paragraph 23(5) or 24(2) above.
- 25B (1) A person who, without lawful authority or reasonable excuse (the proof of which lies on him), contravenes a restraint order is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;

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(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(2) Nothing in sub-paragraph (1) above shall be taken to prejudice any power of the High Court to deal with the contravention of a restraint order as a contempt of court.”

10 In paragraph 8(1) of Schedule 7 (terrorist investigations), for the words “or an offence under section 27 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “or an offence under section 29 of the Northern Ireland (Emergency Provisions) Act 1996”.

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 shall be amended as follows.

12 In Article 4(3) (provisions relating to powers to stop and search), for sub-paragraph (b) there shall be substituted—

“(b) sections 20, 22 and 28 of the Northern Ireland (Emergency Provisions) Act 1996, and”.

13 In Article 30(3) (information to be given on arrest), for the words “section 18(2) of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 19(2) of the Northern Ireland (Emergency Provisions) Act 1996”.

14 In Article 54(2) (abolition of certain powers of constables to search persons), the words “section 19(6)(b) of the Northern Ireland (Emergency Provisions) Act 1991 or” shall cease to have effect.

15 At the beginning of Article 61(9)(b) (fingerprinting), there shall be inserted the words “except as provided by section 48 of the Northern Ireland (Emergency Provisions) Act 1996,”.

16 In Article 74(9) (confessions), for the words “section 11 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 12 of the Northern Ireland (Emergency Provisions) Act 1996”.

17 In Article 76(2)(b) (exclusion of unfair evidence), for the words “subsection (1) of section 11 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “subsection (1) of section 12 of the Northern Ireland (Emergency Provisions) Act 1996”.

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

18 (1) Section 1 of the Northern Ireland (Remission of Sentences) Act 1995 (release on licence of persons subject to restricted remission) shall be amended as follows.

(2) In subsection (1) for the words “section 14 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 15 of the Northern Ireland (Emergency Provisions) Act 1996”.

(3) In subsection (2) for the words “section 14” there shall be substituted the words “section 15 of that Act”.

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- (4) In subsection (6) for the words “Section 15 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “Section 16 of the Northern Ireland (Emergency Provisions) Act 1996”.