



# Northern Ireland (Emergency Provisions) Act 1998

## 1998 CHAPTER 9

An Act to postpone the expiry and otherwise make amendments of the Northern Ireland (Emergency Provisions) Act 1996; and for connected purposes. [8th April 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Duration of the Northern Ireland (Emergency Provisions) Act 1996.

- (1) Section 62 of the <sup>M1</sup>Northern Ireland (Emergency Provisions) Act 1996 (duration) shall be amended as follows.
- (2) In subsection (2) (expiry of temporary provisions), for “15th June 1997” there shall be substituted “ 15th June 1999 ”.
- (3) In subsection (10) (expiry of Act), for “24th August 1998” there shall be substituted “ 24th August 2000 ”.

#### Marginal Citations

M1 1996 c. 22.

### 2 Scheduled offences.

- (1) At the end of the following provisions of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1996 (scheduled offences) there shall be added the words “ subject to note 1 below ”
  - (a) paragraph 3 (riot);
  - (b) paragraph 12 (section 1 of the <sup>M2</sup>Aviation Security Act 1982);

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- (c) paragraph 13 (section 2 of the <sup>M3</sup>Criminal Jurisdiction Act 1975);
  - (d) paragraph 17 (the <sup>M4</sup>Taking of Hostages Act 1982);
  - (e) paragraph 18 (section 2 of the <sup>M5</sup>Nuclear Material (Offences) Act 1983); and
  - (f) paragraph 22(a) and (i) (the Northern Ireland (Emergency Provisions) Act 1996).
- (2) In the following provisions of that Schedule, the words “ subject to note 1 below ” shall be inserted before paragraph (a) and shall be omitted elsewhere—
- (a) paragraph 7 (the Offences against the <sup>M6</sup>Person Act 1861);
  - (b) paragraph 11 (the Protection of the <sup>M7</sup>Person and Property Act Northern Ireland) 1969); and
  - (c) paragraph 16 (the <sup>M8</sup>Firearms (Northern Ireland) Order 1981).
- (3) In the following provisions of that Schedule, the words “ subject to note 1 below ” shall be inserted before paragraph (a)—
- (a) paragraph 8 (the <sup>M9</sup>Explosive Substances Act 1883);
  - (b) paragraph 20 (the <sup>M10</sup>Aviation and Maritime Security Act 1990); and
  - (c) paragraph 21 (the <sup>M11</sup>Channel Tunnel (Security) Order 1994).

#### Marginal Citations

- M2** 1982 c. 36.
- M3** 1975 c. 59.
- M4** 1982 c. 28.
- M5** 1983 c. 18.
- M6** 1861 c. 100.
- M7** 1969 c. 29 (N.I.).
- M8** S.I. 1985/155 (N.I. 2).
- M9** 1883 c. 3.
- M10** 1990 c. 31.
- M11** S.I. 1994/570.

### 3 Detention orders.

Section 36 of, and Schedule 3 to, the <sup>M12</sup>Northern Ireland (Emergency Provisions) Act 1996 (detention orders) shall cease to have effect.

#### Marginal Citations

- M12** 1996 c. 22.

### 4 Video recording of police interviews.

For section 53(2) of the Northern Ireland (Emergency Provisions) Act 1996 (video recording of police interviews) there shall be substituted—

“(2) This section applies to—

- (a) interviews held by police officers of persons detained under section 14(1)(a) or (b) of the <sup>M13</sup>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).”.

**Marginal Citations**

M13 1989 c. 4.

**5 Audio recording of police interviews.**

After section 53 of the Northern Ireland (Emergency Provisions) Act 1996 (video recording) there shall be inserted—

**“53A 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
  - (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.”.

**6 Codes of practice: commencement orders.**

- (1) Section 60 of the <sup>M14</sup>Northern Ireland (Emergency Provisions) Act 1996 (orders and regulations) shall be amended as follows.
- (2) In subsection (2), after “30” there shall be inserted “ , 54 ”.
- (3) In subsection (5), the words “or 54” shall cease to have effect.

**Marginal Citations**

M14 1996 c. 22.

**7 Consequential amendments and repeals.**

- (1) Schedule 1 (consequential amendments) shall have effect.
- (2) The provisions specified in Schedule 2 are hereby repealed.

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**8 Short title.**

This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1998.

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## SCHEDULES

### SCHEDULE 1

Section 7(1).

#### CONSEQUENTIAL AMENDMENTS

##### *The Prevention of Terrorism (Temporary Provisions) Act 1989*

- 1 In section 27(11) of the <sup>M15</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 (duration)—
- (a) for “15th June 1997” substitute “ 15th June 1999 ”, and
  - (b) for “(repeal at end of two years)” substitute “ (repeal at end of 24th August 2000 ”).

#### **Marginal Citations**

**M15** 1989 c. 4.

##### *The Police and Criminal Evidence (Northern Ireland) Order 1989*

- 2 (1) The <sup>M16</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) At the end of Article 60 (tape-recording of interviews), which becomes paragraph (1), add—
- “(2) A code of practice or order under this Article shall not apply in relation to interviews to which section 53 or 53A of the Northern Ireland (Emergency Provisions) Act 1996 applies (video recording and sound recording of police interviews).”.

#### **Marginal Citations**

**M16** S.I. 1989/1341 (NI 12).

##### *The Northern Ireland (Emergency Provisions) Act 1996*

- 3 (1) The <sup>M17</sup>Northern Ireland (Emergency Provisions) Act 1996 shall be amended as follows.
- (2) In section 54(1) (codes of practice: supplementary), for “or 53” substitute “ , 53 or 53A ”.

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- (3) In section 60 (orders and regulations)—
- (a) in subsection (4), omit “or Schedule 3”, and
  - (b) in subsection (5), after “53” insert “ or 53A ”.
- (4) In section 62 (commencement, &c.), omit subsection (5).
- (5) In Schedule 1 (scheduled offences)—
- (a) in paragraph 16(g), for “subject to notes 1 and 4 below” substitute “ subject to note 4 below ”, and
  - (b) in paragraph 22, omit sub-paragraph (j).

#### Marginal Citations

M17 1996 c. 22.

## SCHEDULE 2

Section 7(2).

### REPEALS

Chapter	Short title	Extent of repeal
1996 c. 22.	The Northern Ireland (Emergency Provisions) Act 1996.	Section 36.  In section 60(4), “or Schedule 3”.  In section 60(5), “or 54”.  Section 62(5).  In Schedule 1— paragraph 22(j), and the words “subject to note 1 below” in paragraphs 7(a), (b), (c), (d) and (f), 11(a) and 16(a), (b), (c) and (h).  Schedule 3.

**Status:**

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**Changes to legislation:**

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