

SCHEDULES

SCHEDULE 1

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1996

Amendments during temporary extension

- 7 The provisions of the 1996 Act which continue in force by virtue of this Schedule shall be amended as follows.
- 8 In section 19 (arrest and seizure) after subsection (4) insert—
- “(5) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the Human Rights Act 1998.”
- 9 In section 20 (search for munitions, &c.) after subsection (5) insert—
- “(5A) The power to extend a period conferred by subsection (5) may be exercised only once in relation to a particular search.”
- 10 In section 26 (powers of entry, &c.) after subsection (2) insert—
- “(2A) The Secretary of State may grant an authorisation under subsection (2) only if he considers it necessary for the preservation of the peace or the maintenance of order.”
- 11 In section 33 (collection of information, &c.) after subsection (5) insert—
- “(5A) Before making an order under subsection (5) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.
- (5B) An order under subsection (5) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).”
- 12 (1) Part V (private security services) shall have effect subject to the provisions of this paragraph.
- (2) On issuing a certificate under section 39 the Secretary of State may impose a condition if satisfied that it is necessary in order to prevent an organisation within section 39(8) from benefiting from the certificate.
- (3) To the grounds for refusal to issue a certificate and for revocation of a certificate in sections 39(1) and (5) there shall be added the ground that the Secretary of State is satisfied that the applicant for or holder of a certificate has failed to comply with a condition imposed by virtue of sub-paragraph (2) above.
- (4) The applicant for a certificate may appeal to the High Court if—
- (a) the application is refused,
- (b) a condition is imposed on the grant of the certificate, or

Status: This is the original version (as it was originally enacted).

- (c) the certificate is revoked.
- (5) Where an appeal is brought under sub-paragraph (4), the Secretary of State may issue a certificate that the decision to which the appeal relates—
 - (a) was taken for the purpose of preventing benefit from accruing to an organisation which was within section 39(8), and
 - (b) was justified by that purpose.
- (6) If he intends to rely on a certificate under sub-paragraph (5), the Secretary of State shall notify the appellant.
- (7) Where the appellant is notified of the Secretary of State's intention to rely on a certificate under sub-paragraph (5)—
 - (a) he may appeal against the certificate to the Tribunal established under section 91 of the Northern Ireland Act 1998, and
 - (b) sections 90(3) and (4), 91(2) to (9) and 92 of that Act (effect of appeal, procedure, and further appeal) shall apply.
- (8) Rules made under section 91 or 92 of that Act which are in force immediately before the passing of this Act shall have effect in relation to a certificate under sub-paragraph (5)—
 - (a) with any necessary modifications, and
 - (b) subject to any later rules made by virtue of sub-paragraph (7)(b).