



Public Order (Amendment) Act (Northern Ireland) 1970

1970 CHAPTER 4

An Act to make further provision for the maintenance of public order and the prevention of disturbance of lawful public processions and public meetings; to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of a military or similar character; to prohibit the carrying of offensive weapons in public places without lawful authority or reasonable excuse; and for purposes connected with those matters. [5th February 1970]

Ss. 1 — 6 rep. by 1981 NI 17

7 Prohibition of quasi-military organisations.

- (1) If the members or adherents of any association of persons, whether incorporated or not, are—
- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the Royal Ulster Constabulary or the^{F1}... or the armed forces of the Crown;
 - (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;

then any person who is a member or adherent of the association or who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence under this section:

Provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training, or equipment of members or adherents of the association in contravention of the provisions of this section.

Changes to legislation: There are currently no known outstanding effects for the Public Order (Amendment) Act (Northern Ireland) 1970. (See end of Document for details)

- (2) No prosecution shall be instituted under this section without the consent of the Attorney-General.
- (3) If upon application being made by the Attorney-General it appears to the High Court that any association is an association of which members or adherents are organised, trained, or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and in accordance with rules of court may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association and make such further orders as appear to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving the association, and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Crown.
- (4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped.
- (5) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a member of the Royal Ulster Constabulary of a rank not lower than that of head constable^{F2}, grant a search warrant authorising any such member as aforesaid named in the warrant together with any other persons named in the warrant and any constables to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which a constable has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that no woman shall, in pursuance of a warrant issued under this subsection, be searched except by a woman.
- (6) Nothing in this section shall be construed as prohibiting the employment by the organisers of any lawful public procession or lawful public meeting of a reasonable number of persons as stewards to assist in the preservation of order at that procession or meeting, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.
- (7) Any person who incites, or procures, or endeavours to persuade others to commit, an offence under this section shall be guilty of an offence under this section.

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- (8) Any person who commits an offence under this section by reason only of his being a member or adherent of an association shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding^[F3] level 3 on the standard scale] or to both such imprisonment and such fine.
- (9) Any person who commits an offence under this section other than an offence to which subsection (8) applies shall be liable—
- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding^[F3] level 5 on the standard scale] or to both such imprisonment and such fine; or
 - (b) on conviction on indictment to imprisonment for a term not exceeding five years or to^[F3] an unlimited fine] or to both such imprisonment and such fine.

Annotations:

- F1** 1981 NI 17
F2 Now inspector, SRO (NI) 1970/111
F3 1984 NI 3

S. 8 rep. by 1981 NI 17

9 Citation.

- (1) This Act may be cited as the Public Order (Amendment) Act (Northern Ireland) 1970.

Subs.(2) rep. by 1981 NI 17

Changes to legislation:

There are currently no known outstanding effects for the Public Order (Amendment) Act (Northern Ireland) 1970.