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STATUTORY INSTRUMENTS

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**1987 No. 463**

**The Public Order (Northern Ireland) Order 1987**

**PART III**

**STIRRING UP HATRED OR AROUSING FEAR**

*Supplementary provisions*

**Powers of entry and search**

**14.**—(1) If a resident magistrate is satisfied on a complaint on oath made by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of Article 13, the resident magistrate may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated and to seize and remove anything which the constable reasonably suspects to be or include the material or recording.

(2) A constable entering or searching premises in pursuance of a warrant issued under this Article may use reasonable force if necessary.

(3) In this Article “premises” means any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation as defined in section 1(3)(b) of the Mineral Workings (Offshore Installations) Act 1971; and
- (c) any tent or movable structure.

**Savings for reports of parliamentary, Assembly or judicial proceedings**

**15.**—(1) Nothing in this part applies to a fair and accurate report of proceedings in Parliament or in the Assembly.

(2) Nothing in this part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

**Punishment of offences under part III**

**16.**—(1) A person guilty of an offence under this part shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(2) For the purposes of the rules against charging more than one offence in the same count or complaint, each of Articles 9 to 13 creates one offence.

### **Interpretation of part III**

17. In this part—

“broadcast” means broadcast by wireless telegraphy (within the meaning of the Wireless Telegraphy Act 1949) for general reception, whether by way of sound broadcasting or television;

“cable programme service” has the same meaning as in the Cable and Broadcasting Act 1984;

“distribute”, and related expressions, shall be construed in accordance with Article 10(3) (written material) and Article 11(2) (recordings);

“dwelling” means any structure or part of a structure occupied as a person’s home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “structure” includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

“fear” and “hatred” have the meanings assigned to them by Article 8;

“programme” means any item which is broadcast or included in a cable programme service;

“publish”, and related expressions, in relation to written material, shall be construed in accordance with Article 10(3);

“recording” has the meaning given by Article 11(2), and “play” and “show”, and related expressions, in relation to a recording, shall be construed in accordance with that provision;

“written material” includes any sign or other visible representation.