



Northern Ireland (Emergency Provisions) Act 1978

1978 CHAPTER 5

An Act to consolidate, with certain exceptions, the Northern Ireland (Emergency Provisions) Act 1973, the Northern Ireland (Young Persons) Act 1974 and the Northern Ireland (Emergency Provisions) (Amendment) Act 1975. [23rd March 1978]

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:—

PART I

SCHEDULED OFFENCES

Preliminary enquiries, bail and young persons in custody

1 Preliminary enquiry into scheduled offences

- (1) Where in any proceedings before a magistrates' court for a scheduled offence (not being an extra-territorial offence as defined in section 1(3) of the Criminal Jurisdiction Act 1975) the prosecutor requests the court to conduct a preliminary enquiry into the offence under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968, the court shall, notwithstanding anything in section 1 of that Act of 1968, conduct a preliminary enquiry into the offence unless the court is of opinion that in the interests of justice a preliminary investigation should be conducted into the offence under Part VI of the Magistrates' Courts Act (Northern Ireland) 1964.
- (2) Where in any proceedings a person charged with a scheduled offence is also charged with another offence which is not a scheduled offence, that other offence shall be treated as a scheduled offence for the purposes of subsection (1) above.

2 Limitation of power to grant bail in case of scheduled offences

- (1) Subject to the provisions of this section, a person to whom this section applies shall not be admitted to bail except—
 - (a) by a judge of the Supreme Court; or
 - (b) by the judge of the court of trial, on adjourning the trial of a person so charged.
- (2) A judge shall not admit any such person to bail unless he is satisfied that the applicant—
 - (a) will comply with the conditions on which he is admitted to bail; and
 - (b) will not interfere with any witness ; and
 - (c) will not commit any offence while he is on bail.
- (3) Without prejudice to any other power to impose conditions on admission to bail, a judge may impose such conditions on admitting a person to bail under this section as appear to him to be likely to result in that person's appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.
- (4) Nothing in this section shall prejudice any right of appeal against the refusal of a judge to grant bail.
- (5) This section applies, subject to subsection (6) below, to any person—
 - (a) who is charged with a scheduled offence; and
 - (b) who has attained the age of 14; and
 - (c) who is not a serving member of any of Her Majesty's regular naval, military or air forces.
- (6) This section does not apply to a person charged with a scheduled offence—
 - (a) which is being tried summarily ; or
 - (b) which the Director of Public Prosecutions for Northern Ireland certifies is in his opinion suitable to be tried summarily.

3 Legal aid to applicants for bail in case of scheduled offences

- (1) Where it appears to a judge of the Supreme Court—
 - (a) that a person charged with a scheduled offence intends to apply to be admitted to bail; and
 - (b) that it is desirable in the interests of justice that that person should have legal aid but that he has not sufficient means to enable him to obtain that aid,the judge may assign to him a solicitor and counsel, or counsel only, in the application for bail.
- (2) If, on a question of granting a person free legal aid under this section, there is a doubt whether his means are sufficient to enable him to obtain legal aid or whether it is desirable in the interests of justice that he should have free legal aid, the doubt shall be resolved in favour of granting him free legal aid.
- (3) Sections 24, 27 and 32 of the Legal Aid and Advice Act (Northern Ireland) 1965 (statements, payments, rules and stamp duty) shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part II of that Act as if any legal aid under this section were given in pursuance of a criminal aid certificate under section 21 of that Act.

4 Holding in custody of young persons charged with scheduled offences

- (1) Where a person to whom this section applies has been remanded or committed for trial as respects a scheduled offence and is not released on bail, he may—
 - (a) notwithstanding the provisions of any enactment, and
 - (b) whether or not he was remanded or committed for trial at a time when this section was not in force,
be held in custody in such prison or other place as may be specified in a direction given by the Secretary of State under this section (in this section and section 5 below referred to as "a direction").
- (2) The Secretary of State may give a direction in respect of a person to whom this section applies if he considers that it is necessary, in order to prevent his escape or to ensure his safety or the safety of others, to make special arrangements as to the place at which that person is to be held in custody while on remand or while committed for trial.
- (3) A direction may be given by the Secretary of State at any time after the young person to whom it relates has been charged with a scheduled offence, and may be varied or revoked by a further direction.
- (4) This section applies to any young person charged with a scheduled offence.
- (5) In this section " young person " means a person who has attained the age of 14 and is under the age of 17.

5 Directions under s. 4

- (1) A direction shall, if it has not previously ceased to have effect, cease to have effect at the expiration of such period as may be specified in the direction (being a period not exceeding two months beginning with the date of the direction), unless continued in force by a further direction.
- (2) Where, by virtue of a direction, a young person is held in custody in a prison or other place and the direction ceases to have effect (whether or not by reason of the expiry or cesser of section 4 above) it shall be lawful for him to continue to be held in custody in that prison or place until arrangements can be made for him to be held in custody in accordance with the law then applicable to his case.
- (3) Nothing in subsection (2) above shall be taken to make lawful the holding in custody of any person who would, disregarding that subsection, be entitled to be released from custody.

Court and mode of trial

6 Court for trial on indictment of scheduled offences

- (1) A trial on indictment of a scheduled offence shall be held only at the Belfast City Commission.
- (2) A magistrates' court which commits a person for trial on indictment for a scheduled offence or two or more offences which are or include scheduled offences shall commit him for trial to the Belfast City Commission and section 47 of the Magistrates' Courts Act (Northern Ireland) 1964 (committal to assize or county court) shall have effect accordingly.

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- (3) A county court judge may at any time, at the request of the Lord Chief Justice of Northern Ireland, sit and act as a judge at the Belfast City Commission for the trial on indictment of a scheduled offence, or for two or more such trials, and while so sitting and acting shall have all the jurisdiction, powers and privileges of a High Court judge included in the Commission, so far as concerns any such trial.
- (4) A county court judge requested to sit and act as aforesaid for a period of time may, notwithstanding the expiry of that period, attend at the Belfast City Commission for the purpose of continuing to deal with, giving judgment in or dealing with any ancillary matter relating to, any case which may have begun before him when sitting as a judge at the Commission and shall have the same jurisdiction, powers and privileges as under subsection (3) above.

7 Mode of trial on indictment of scheduled offences

- (1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.
- (2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if it had been sitting with a jury, including power to determine any question and to make any finding which would, apart from this section, be required to be determined or made by a jury, and references in any enactment to a jury or the verdict or finding of a jury shall be construed accordingly in relation to a trial under this section.
- (3) Where separate counts of an indictment allege a scheduled offence and an offence which is not a scheduled offence, the trial on indictment shall, without prejudice to section 5 of the Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial), be conducted as if all the offences alleged in the indictment were scheduled offences.
- (4) Without prejudice to subsection (2) above, where the court trying a scheduled offence on indictment—
 - (a) is not satisfied that the accused is guilty of that offence, but
 - (b) is satisfied that he is guilty of some other offence which is not a scheduled offence, but of which a jury could have found him guilty on a trial for the scheduled offence,the court may convict him of that other offence.
- (5) Where the court trying a scheduled offence convicts the accused of that or some other offence, then, without prejudice to its power apart from this subsection to give a judgment, it shall, at the time of conviction or as soon as practicable thereafter, give a judgment stating the reasons for the conviction.
- (6) A person convicted of any offence on a trial under this section without a jury may, notwithstanding anything in section 8 of the Criminal Appeal (Northern Ireland) Act 1968, appeal to the Court of Criminal Appeal under that section—
 - (a) against his conviction, on any ground, without the leave of the Court of Criminal Appeal or a certificate of the judge of the court of trial; and
 - (b) against sentence passed on conviction, without that leave, unless the sentence is one fixed by law.

- (7) Where a person is so convicted, the time for giving notice of appeal under subsection (1) of section 20 of that Act of 1968 shall run from the date of judgment, if later than the date from which it would run under that subsection.

Evidence, onus of proof and treatment of convicted young persons

8 Admissions by persons charged with scheduled offences

- (1) In any criminal proceedings for a scheduled offence, or two or more offences which are or include scheduled offences, a statement made by the accused may be given in evidence by the prosecution in so far as—
- (a) it is relevant to any matter in issue in the proceedings; and
 - (b) it is not excluded by the court in pursuance of subsection (2) below.
- (2) If, in any such proceedings where the prosecution proposes to give in evidence a statement made by the accused, prima facie evidence is adduced that the accused was subjected to torture or to inhuman or degrading treatment in order to induce him to make the statement, the court shall, unless the prosecution satisfies it that the statement was not so obtained—
- (a) exclude the statement, or
 - (b) if the statement has been received in evidence, either—
 - (i) continue the trial disregarding the statement; or
 - (ii) direct that the trial shall be restarted before a differently constituted court (before which the statement in question shall be inadmissible).
- (3) This section does not apply to a summary trial.

9 Onus of proof in relation to offences of possession

- (1) Where a person is charged with possessing a proscribed article in such circumstances as to constitute an offence to which this section applies and it is proved that at the time of the alleged offence—
- (a) he and that article were both present in any premises; or
 - (b) the article was in premises of which he was the occupier or which he habitually used otherwise than as a member of the public,
- the court may accept the fact proved as sufficient evidence of his possessing (and, if relevant, knowingly possessing) that article at that time unless it is further proved that he did not at that time know of its presence in the premises in question, or, if he did know, that he had no control over it.
- (2) This section applies to vessels, aircraft and vehicles as it applies to premises.
- (3) In this section " proscribed article " means an explosive, firearm, ammunition, substance or other thing (being a thing possession of which is an offence under one of the enactments mentioned in subsection (4) below).
- (4) This section applies to scheduled offences under the following enactments, that is to say—
- The Explosive Substances Act 1883*
- Section 3, so far as relating to subsection (1)(b) thereof (possessing explosive with intent to endanger life or cause serious damage to property).

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Section 4 (possessing explosive in suspicious circumstances).

The Firearms Act (Northern Ireland) 1969

Section 1 (possessing firearm or ammunition without, or otherwise than as authorised by, a firearm certificate).

Section 4 (possessing machine gun, or weapon discharging, or ammunition containing, noxious substance).

Section 14 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Section 15(2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Section 19(1) to (3) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, etc.).

Section 19A (possessing firearm or ammunition in suspicious circumstances).

The Protection of the Person and Property Act (Northern Ireland) 1969

Section 2 (possessing petrol bomb, etc., in suspicious circumstances).

(5) This section does not apply to a summary trial.

10 Treatment of young persons convicted of scheduled offences

(1) Section 73(2) of the Children and Young Persons Act (Northern Ireland) 1968 (under which a court may sentence a child or young person convicted on indictment of an offence punishable in the case of an adult with imprisonment for fourteen years or more to detention for a period specified in the sentence) shall have effect in relation to a young person convicted of a scheduled offence committed while this subsection is in force with the substitution of the word " five " for the word " fourteen ".

(2) Subsection (3) of section 74 of that Act (under which the maximum length of the term or the aggregate of the terms for which a person may be committed in custody to a remand home under section 74(1)(e) is one month) shall have effect in relation to a young person found guilty of a scheduled offence committed while this subsection is in force with the substitution of the words " six months " for the words " one month " .

PART II

POWERS OF ARREST, DETENTION, SEARCH AND SEIZURE, ETC

11 Arrest of terrorists

(1) Any constable may arrest without warrant any person whom he suspects of being a terrorist.

(2) For the purpose of arresting a person under this section a constable may enter and search any premises or other place where that person is or where the constable suspects him of being.

- (3) A person arrested under this section shall not be detained in right of the arrest for more than seventy-two hours after his arrest, and section 132 of the Magistrates' Courts Act (Northern Ireland) 1964 and section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968 (requirement to bring arrested person before a magistrates' court not later than forty-eight hours after his arrest) shall not apply to any such person.
- (4) Where a person is arrested under this section, an officer of the Royal Ulster Constabulary not below the rank of chief inspector may order him to be photographed and to have his finger prints and palm prints taken by a constable, and a constable may use such reasonable force as may be necessary for that purpose.

12 Detention of terrorists, etc.

Schedule 1 to this Act shall have effect with respect to the detention of terrorists and persons suspected of being terrorists.

13 Constables' general power of arrest and seizure

- (1) Any constable may arrest without warrant any person whom he suspects of committing, having committed or being about to commit a scheduled offence or an offence under this Act which is not a scheduled offence.
- (2) For the purposes of arresting a person under this section a constable may enter and search any premises or other place where that person is or where the constable suspects him of being.
- (3) A constable may seize anything which he suspects is being, has been or is intended to be used in the commission of a scheduled offence or an offence under this Act which is not a scheduled offence.

14 Powers of arrest of members of Her Majesty's forces

- (1) A member of Her Majesty's forces on duty may arrest without warrant, and detain for not more than four hours, a person whom he suspects of committing, having committed or being about to commit any offence.
- (2) A person effecting an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is effecting the arrest as a member of Her Majesty's forces.
- (3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises or other place—
 - (a) where that person is, or
 - (b) if that person is suspected of being a terrorist or of having committed an offence involving the use or possession of an explosive, explosive substance or firearm, where that person is suspected of being.

15 Power to search for munitions and radio transmitters

- (1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place other than a dwelling-house for the purpose of ascertaining—
 - (a) whether there are any munitions unlawfully at that place; or

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- (b) whether there is a transmitter at that place ;
and may search the place for any munitions or transmitter with a view to exercising the powers conferred by subsection (4) below.
- (2) Any member of Her Majesty's forces on duty authorised by a commissioned officer of those forces or any constable authorised by an officer of the Royal Ulster Constabulary not below the rank of chief inspector may enter any dwelling-house in which it is suspected that there are unlawfully any munitions or that there is a transmitter and may search it for any munitions or transmitter with a view to exercising the said powers.
- (3) Any member of Her Majesty's forces on duty or any constable may—
- (a) stop any person in any public place and, with a view to exercising the said powers, search him for the purpose of ascertaining whether he has any munitions unlawfully with him or any transmitter with him; and
 - (b) with a view to exercising the said powers, search any person not in a public place whom he suspects of having any munitions unlawfully with him or any transmitter with him.
- (4) A member of Her Majesty's forces or a constable—
- (a) authorised to search any premises or other place or any person under this Act, may seize any munitions found in the course of the search unless it appears to the person so authorised that the munitions are being, have been and will be used only for a lawful purpose and may retain and, if necessary, destroy them;
 - (b) authorised to search any premises or other place or any person, may seize any transmitter found in the course of the search unless it appears to the person so authorised that the transmitter has been, is being and is likely to be used only lawfully and may retain it.
- (5) In this section—
- " munitions " means—
- (a) explosives, explosive substances, firearms and ammunition; and
 - (b) anything used or capable of being used in the manufacture of any explosive, explosive substance, firearm or ammunition;
- " transmitter " means any apparatus for wireless telegraphy designed or adapted for emission, as opposed to reception, and includes part of any such apparatus;
- " wireless telegraphy " has the same meaning as in section 19(1) of the Wireless Telegraphy Act 1949.

16 Powers of explosives inspectors

- (1) An inspector appointed under section 53 of the Explosives Act 1875 may, for the purpose of ascertaining whether there is unlawfully in any premises or other place other than a dwelling-house any explosive or explosive substance, enter that place and search it with a view to exercising the powers conferred by subsection (3) below.
- (2) Any such inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive or explosive substance unlawfully with him with a view to exercising the said powers.
- (3) Any such inspector may seize any explosive or explosive substance found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose and may retain and, if necessary, destroy it.

17 Entry to search for persons unlawfully detained

- (1) Where any person is believed to be unlawfully detained in such circumstances that his life is in danger, any member of Her Majesty's forces on duty or any constable may, subject to subsection (2) below, enter any premises or other place for the purpose of ascertaining whether that person is so detained there.
- (2) A dwelling-house may be entered in pursuance of subsection (1) above—
 - (a) by a member of Her Majesty's forces, only when authorised to do so by a commissioned officer of those forces; and
 - (b) by a constable, only when authorised to do so by an officer of the Royal Ulster Constabulary not below the rank of chief inspector.

18 Power to stop and question

- (1) Any member of Her Majesty's forces on duty or any constable may stop and question any person for the purpose of ascertaining—
 - (a) that person's identity and movements;
 - (b) what he knows concerning any recent explosion or any other incident endangering life or concerning any person killed or injured in any such explosion or incident; or
 - (c) any one or more of the matters referred to in paragraphs (a) and (b) above.
- (2) Any person who—
 - (a) fails to stop when required to do so under this section, or
 - (b) refuses to answer, or fails to answer to the best of his knowledge and ability, any question addressed to him under this section,shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

19 General powers of entry and interference with rights of property and with highways

- (1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place—
 - (a) if he considers it necessary to do so in the course of operations for the preservation of the peace or the maintenance of order; or
 - (b) if authorised to do so by or on behalf of the Secretary of State.
- (2) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, if authorised to do so by or on behalf of the Secretary of State—
 - (a) take possession of any land or other property;
 - (b) take steps to place buildings or other structures in a state of defence;
 - (c) detain any property or cause it to be destroyed or moved;
 - (d) do any other act interfering with any public right or with any private rights of property, including carrying out any works on any land of which possession has been taken under this subsection.
- (3) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, so far as he considers

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it immediately necessary for the preservation of the peace or the maintenance of order—

- (a) wholly or partly close a highway or divert or otherwise interfere with a highway or the use of a highway ; or
 - (b) prohibit or restrict the exercise of any right of way or the use of any waterway.
- (4) Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), interferes with works executed, or any apparatus, equipment or any other thing used, in or in connection with the exercise of powers conferred by this section, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.
- (5) Any authorisation to exercise any powers under any provision of this section may authorise the exercise of all those powers, or powers of any class or a particular power specified, either by all persons by whom they are capable of being exercised or by persons of any class or a particular person specified.

20 Supplementary provisions

- (1) Any power conferred by this Part of this Act—
 - (a) to enter any premises or other place includes power to enter any vessel, aircraft or vehicle ;
 - (b) to search any premises or other place includes power to stop and search any vehicle or vessel or any aircraft which is not airborne and search any container;and in this Part of this Act references to any premises or place shall be construed accordingly.
- (2) In this Part of this Act references to a dwelling-house include references to a vessel or vehicle which is habitually stationary and used as a dwelling.
- (3) Any power conferred by this Part of this Act to enter any place, vessel, aircraft or vehicle shall be exercisable, if need be, by force.
- (4) Any power conferred by virtue of this section to search a vehicle or vessel shall, in the case of a vehicle or vessel which cannot be conveniently or thoroughly searched at the place where it is, include power to take it or cause it to be taken to any place for the purpose of carrying out the search.
- (5) Any power conferred by virtue of this section to search any vessel, aircraft, vehicle or container includes power to examine it.
- (6) Any power conferred by this Part of this Act to stop any person includes power to stop a vessel or vehicle or an aircraft which is not airborne.
- (7) Any person who, when required by virtue of this section to stop a vessel or vehicle or any aircraft which is not airborne, fails to do so shall be liable on summary conviction to imprisonment to a term not exceeding six months or to a fine not exceeding £400, or both.
- (8) A member of Her Majesty's forces exercising any power conferred by this Part of this Act when he is not in uniform shall, if so requested by any person at or about the time of exercising that power, produce to that person documentary evidence that he is such a member.

- (9) The Documentary Evidence Act 1868 shall apply to any authorisation given in writing under this Part of this Act by or on behalf of the Secretary of State as it applies to any order made by him.

PART III

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

21 Proscribed organisations

- (1) Subject to subsection (7) below, any person who—
- (a) belongs or professes to belong to a proscribed organisation ; or
 - (b) solicits or invites financial or other support for a pro scribed organisation, or knowingly makes or receives any contribution in money or otherwise to the resources of a proscribed organisation ; or
 - (c) solicits or invites any person to become a member of a proscribed organisation or to carry out on behalf of a proscribed organisation orders or directions given, or requests made, by a member of that organisation,
- shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both, and on conviction on indictment to imprisonment for a term not exceeding ten years or to a fine, or both.
- (2) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any money or other property which at the time of the offence he had in his possession or under his control for the use or benefit of the proscribed organisation.
- (3) The organisations specified in Schedule 2 to this Act are proscribed organisations for the purposes of this section; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.
- (4) The Secretary of State may by order add to Schedule 2 to this Act any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it.
- (5) The Secretary of State may also by order remove an organisation from Schedule 2 to this Act.
- (6) The possession by a person of a document—
- (a) addressed to him as a member of a proscribed organisation ; or
 - (b) relating or purporting to relate to the affairs of a proscribed organisation; or
 - (c) emanating or purporting to emanate from a proscribed organisation or officer of a proscribed organisation,
- shall be evidence of that person belonging to the organisation at the time when he had the document in his possession.
- (7) A person belonging to a proscribed organisation shall—
- (a) if the organisation is a proscribed organisation by virtue of an order under subsection (4) above ; or
 - (b) if this section has ceased to be in force but has been subsequently brought into force by an order under section 33(3) below,

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not be guilty of an offence under this section by reason of belonging to the organisation if he has not after the coming into force of the order under subsection (4) above or the coming into force again of this section, as the case may be, taken part in any activities of the organisation.

- (8) Subsection (7) above shall apply in relation to a person belonging to the Red Hand Commando, the Ulster Freedom Fighters or the Ulster Volunteer Force as if the organisation were proscribed by virtue of an order under subsection (4) above with the substitution, in subsection (7), for the reference to the coming into force of such an order of a reference—
- (a) as respects a person belonging to the Red Hand Commando or the Ulster Freedom Fighters, to 12th November 1973;
 - (b) as respects a person belonging to the Ulster Volunteer Force, to 4th October 1975.

22 Unlawful collection, etc. of information

- (1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him)—
- (a) , collect, record, publish, communicate or attempt to elicit any information with respect to any person to whom this paragraph applies which is of such a nature as is likely to be useful to terrorists ;
 - (b) collect or record any information which is of such a nature as is likely to be useful to terrorists in planning or carrying out any act of violence ; or
 - (c) have in his possession any record of or document containing any such information as is mentioned in paragraph (a) or (b) above.
- (2) Subsection (1)(a) above applies to any of the following persons, that is to say—
- (a) any constable or member of Her Majesty's forces ;
 - (b) any person holding judicial office ;
 - (c) any officer of any court; and
 - (d) any person employed for the whole of his time in the prison service in Northern Ireland.
- (3) In subsection (1) above any reference to recording information includes a reference to recording it by means of photography or by any other means.
- (4) If any person contravenes this section, he shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine, or both.
- (5) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any record or document mentioned in subsection (1) above which is found in his possession.
- (6) Without prejudice to section 33 of the Interpretation Act 1889 (offences under two or more laws), nothing in this section shall derogate from the operation of the Official Secrets Acts 1911 and 1920.

23 Training in making or use of firearms, explosives or explosive substances

- (1) Subject to subsection (2) below, any person who instructs or trains another or receives instruction or training in the making or use of firearms, explosives or explosive substances shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or both.
- (2) In any prosecution for an offence under this section it shall be a defence for the person charged to prove that the instruction or training was given or received with lawful authority or for industrial, agricultural or sporting purposes only or otherwise with good reason.
- (3) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any thing which appears to the court to have been in his possession for purposes connected with the offence.
- (4) Without prejudice to section 33 of the Interpretation Act 1889 (offences under two or more laws), nothing in this section shall derogate from the operation of the Unlawful Drilling Act 1819.

24 Failure to disperse when required to do so

- (1) Where any commissioned officer of Her Majesty's forces or any officer of the Royal Ulster Constabulary not below the rank of chief inspector is of opinion that any assembly of three or more persons—
 - (a) may lead to a breach of the peace or public disorder; or
 - (b) may make undue demands on the police or Her Majesty's forces,he, or any member of those forces on duty or any constable, may order the persons constituting the assembly to disperse forthwith.
- (2) Where an order is given under this section with respect to an assembly, any person who thereafter joins or remains in the assembly or otherwise fails to comply with the order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

25 Dressing or behaving in a public place like a member of a proscribed organisation

Any person who in a public place dresses or behaves in such a way as to arouse reasonable apprehension that he is a member of a proscribed organisation shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

26 Wearing of hoods, etc. in public places

Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), wears in a public place or in the curtilage of a dwelling-house (other than one in which he is residing) any hood, mask or other article whatsoever made, adapted or used for concealing the identity or features shall be liable on summary conviction

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to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

PART IV

MISCELLANEOUS AND GENERAL

27 Supplementary regulations for preserving the peace, etc.

- (1) The Secretary of State may by regulations make provision additional to the foregoing provisions of this Act for promoting the preservation of the peace and the maintenance of order.
- (2) Any person contravening or failing to comply with the provisions of any regulations under this section or any instrument or directions under any such regulations shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.
- (3) The regulations contained in Schedule 3 to this Act shall be deemed to have been made under this section and to have been approved in draft by each House of Parliament, and may be varied or revoked accordingly.

28 Compensation

- (1) Where under this Act any real or personal property is taken, occupied, destroyed or damaged, or any other act is done interfering with private rights of property, compensation shall, subject to the provisions of this section, be payable by the Secretary of State.
- (2) Any question as to compensation under this section shall, in default of agreement, be referred for determination to the county court or an arbitrator to be appointed by that court.
- (3) The procedure for determining any question referred under subsection (2) above shall be that prescribed by rules made by the Lord Chief Justice of Northern Ireland after consultation with the Secretary of State.
- (4) Nothing in this section shall be construed as giving to any person by whom an offence has been committed any right to compensation in respect of property taken, occupied, destroyed or damaged or in respect of any other act done in connection with the offence.

29 Restriction of prosecutions

- (1) A prosecution shall not be instituted in respect of any offence under this Act except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (2) Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972 shall apply in relation to any offence under this Act as if subsection (1) above were a consent provision within the meaning of that Article.

30 The scheduled offences

- (1) In this Act " scheduled offence " means an offence specified in Part I or Part III of Schedule 4 to this Act, subject, however, to any relevant note contained in the said Part I.
- (2) Part II of that Schedule shall have effect with respect to offences related to those specified in Part I of that Schedule.
- (3) The Secretary of State may by order amend Parts I and II of that Schedule (whether by adding an offence to, or removing an offence from, either of those Parts, or otherwise).

31 Interpretation

- (1) In this Act, except so far as the context otherwise requires—
 - " constable " includes any member of the Royal Naval, Military or Air Force Police;
 - " dwelling-house " means any building or part of a building used as a dwelling ;
 - " enactment " includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly;
 - " explosive " means any article or substance manufactured for the purpose of producing a practical effect by explosion;
 - " explosive substance " means any substance for the time being specified in regulations made under section 3 of the Explosives Act (Northern Ireland) 1970 ;
 - " firearm " includes an air gun or air pistol;
 - " proscribed organisation " means an organisation for the time being specified in Schedule 2 to this Act, including an organisation which is to be treated as a proscribed organisation by virtue of section 21(3) above;
 - " public place " means a place to which for the time being members of the public have or are permitted to have access, whether on payment or otherwise ;
 - " scheduled offence" has the meaning ascribed to it by section 30 above;
 - " terrorism " means the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear;
 - " terrorist " means a person who is or has been concerned in the commission or attempted commission of any act of terrorism or in directing, organising or training persons for the purpose of terrorism ;
 - " vehicle " includes a hovercraft.
- (2) Any reference in this Act, except so far as the context otherwise requires, to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (3) It is hereby declared that in applying section 38(1) of the Interpretation Act 1889 (effect of repeal and re-enactment) for the construction of references in this Act to other Acts or enactments, account is to be taken of repeal and re-enactment by a Measure of the Northern Ireland Assembly or an Order in Council.

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

32 Orders and regulations

- (1) Any power to make orders or regulations conferred by this Act (except the powers to make orders conferred by Schedules 1 and 3 to this Act) shall be exercisable by statutory instrument.
- (2) Any power to make an order under any provision of this Act shall include power to vary or revoke any order under that provision.
- (3) No order or regulations under this Act (except an order under either of those Schedules) shall be made unless—
 - (a) a draft of the order or regulations has been approved by resolution of each House of Parliament; or
 - (b) it is declared in the order or regulations that it appears to the Secretary of State that by reason of urgency it is necessary to make the order or regulations without a draft having been so approved.
- (4) Orders and regulations under this Act (except an order under either of those Schedules and except an order or regulations of which a draft has been so approved) shall be laid before Parliament after being made and, if at the end of the period of 40 days (computed in accordance with section 7(1) of the Statutory Instruments Act 1946) after the day on which the Secretary of State made an order or regulations a resolution has not been passed by each House approving the order or regulations in question, the order or regulations shall then cease to have effect (but without prejudice to anything previously done or to the making of a new order or new regulations).

33 Commencement, duration, expiry and revival of provisions of this Act

- (1) This Act (except section 32 above and this section) shall come into operation on 1st June 1978.
- (2) The provisions of this Act, except sections 5 and 28 to 36, Part III of Schedule 4 and Schedules 5 and 6 to this Act and, so far as they relate to offences which are scheduled offences by virtue of the said Part III, sections 2, 6 and 7 above, shall expire with 24th July 1978 unless continued in force by an order under this section.
- (3) The Secretary of State may by order provide—
 - (a) that all or any of the said provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding six months from the coming into operation of the order;
 - (b) that all or any of the said provisions which are for the time being in force shall cease to be in force; or
 - (c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.
- (4) The coming into force of any provision of sections 6 to 9 above (otherwise than on the commencement of this Act) shall not affect any trial on indictment where the indictment has been presented, or any summary trial which has started, before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.

- (5) Where before the coming into force of subsection (1) of section 6 above (otherwise than on the commencement of this Act), a person has been committed for trial for a scheduled offence and the indictment has not been presented, then, on the coming into force of that subsection, he shall, if he was committed to a court of assize (other than the Belfast City Commission) or to a county court, be treated as having been committed to that Commission.
- (6) The expiry or cesser of any provision mentioned in subsection (4) above shall not affect the application of that provision to any trial on indictment where the indictment has been presented, or any summary trial which has started, before the expiry or cesser.
- (7) It is hereby declared that the expiry or cesser of subsection (2) of section 6 above shall not affect any committal of a person for trial under that subsection to the Belfast City Commission where the indictment has not been presented.
- (8) On the expiry or cesser of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the provision had been repealed by another Act and, in the case of section 27 above, any regulations made thereunder had been enactments.

34 Consequential amendments

- (1) In section 41(5)(b) of the Supreme Court of Judicature Act (Ireland) 1877 for the words from " 3(1)" onwards substitute " 2(1) and 6(3) and (4) of the Northern Ireland (Emergency Provisions) Act 1978 ".
- (2) In paragraph 8 of Schedule 3 to the Prevention of Terrorism (Temporary Provisions) Act 1976 for " 1973 " substitute " 1978 ".
- (3) In section 4(1) of the Criminal Jurisdiction Act 1975 for " said Act" substitute " Northern Ireland (Emergency Provisions) Act 1973 ".

35 Transitional provisions, savings and repeals

- (1) Neither any rule of law nor any enactment other than this Act nor anything contained in a commission issued for the trial of any person shall be construed as limiting or otherwise affecting the operation of any provision of this Act for the time being in force, but—
 - (a) subject to the foregoing, any power conferred by this Act shall not derogate from Her Majesty's prerogative or any powers exercisable apart from this Act by virtue of any rule of law or enactment; and
 - (b) subject to the foregoing and to section 33(6) above, a provision of this Act shall not affect the operation of any rule of law or enactment at a time when the provision is not in force.
- (2) The transitional provisions and savings contained in Schedule 5 to this Act shall have effect.
- (3) Subject to Schedule 5, the enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

36 Short title and extent

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1978.

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

(2) This Act extends to Northern Ireland only.

SCHEDULES

SCHEDULE 1

Section 12.

DETENTION OF TERRORISTS

Advisers

- 1 The Secretary of State shall for the purposes of this Act appoint such number of Advisers as he may determine to advise him on matters concerning the detention and release of terrorists.
- 2 An Adviser shall be a person who holds or has held judicial office in any part of the United Kingdom or is a barrister, advocate or solicitor, in each case of not less than ten years' standing in any part of the United Kingdom.
- 3 (1) An Adviser shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for reappointment.
- (2) An Adviser may at any time by notice in writing to the Secretary of State resign his office.
- (3) The Secretary of State may pay to the Advisers such remuneration and allowances as he may determine.

Interim Custody Orders

- 4 (1) Where it appears to the Secretary of State that there are grounds for suspecting that a person has been concerned—
- (a) in the commission or attempted commission of any act of terrorism; or
- (b) in directing, organising or training persons for the purpose of terrorism,
- the Secretary of State may make an interim custody order for the temporary detention of that person.
- (2) An interim custody order shall be signed by the Secretary of State or a Minister of State or Under Secretary of State.
- 5 (1) The Secretary of State may, at any time before the expiration of the period of fourteen days following the date of an interim custody order, refer the case to an Adviser and, unless the case is so referred, the order shall cease to have effect at the expiration of that period.
- (2) A reference to an Adviser under this paragraph shall be by notice in writing signed on behalf of the Secretary of State and a copy of the notice shall be sent to the person detained .

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Reference to an Adviser

- 6 (1) As soon as possible after a case is referred to an Adviser under paragraph 5 above, the person detained shall be served with a statement in writing as to the nature of the terrorist activities of which he is suspected.
- (2) A person detained may, within seven days following the date on which he receives any such statement as is mentioned in sub-paragraph (1) above, send to the Secretary of State—
- (a) written representations concerning his case; and
 - (b) a written request that he be seen personally by an Adviser ;
- and the Secretary of State shall send a copy of such representations or request to the Adviser concerned.
- (3) The Secretary of State may pay any reasonable costs or expenses incurred by a person detained in obtaining legal advice or legal assistance in connection with the preparation of any representations he may make concerning his case.
- 7 (1) Where the case of a person detained under an interim custody order is referred to an Adviser, he shall consider it and report to the Secretary of State whether or not in his opinion—
- (a) the person detained has been concerned in terrorist activities ; and
 - (b) the detention of that person is necessary for the protection of the public.
- (2) In considering any case referred to him an Adviser shall have regard to any information (whether oral or in writing) which is made available to, or obtained by, him and to any representations (whether oral or in writing) made by the person detained.
- (3) No person shall be present during the consideration by an Adviser of the case of any person referred to him, except—
- (a) any person who for the time being is being seen by the Adviser ;
 - (b) any assistant to the Adviser ; and
 - (c) any person who is present in the interests of security.
- (4) The Secretary of State may, at the request of an Adviser, pay any reasonable expenses incurred by any person in connection with a reference to the Adviser.

Detention Orders

- 8 (1) After receiving a report made by an Adviser under paragraph 7(1) above, the Secretary of State shall consider the case of the person to whom it relates and, if he is satisfied—
- (a) that that person has been concerned in the commission or attempted commission of any act of terrorism, or in directing, organising or training persons for the purpose of terrorism; and
 - (b) that the detention of that person is necessary for the protection of the public,
- the Secretary of State may make a detention order for the detention of that person.
- (2) If, on considering any case under sub-paragraph (1) above, the Secretary of State is not satisfied as mentioned in that sub-paragraph, he shall direct the release of the person concerned.
- (3) Subject to sub-paragraphs (4) and (5) below, where—

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- (a) a person is detained under an interim custody order ; and
 - (b) a detention order is not made in respect of that person within the period of seven weeks following the date of the interim custody order,
- the interim custody order shall cease to have effect.
- (4) The Secretary of State may, where a person is required to be detained under an interim custody order, give a direction in writing extending the period of seven weeks mentioned in sub-paragraph (3) above (or that period as extended under this sub-paragraph) for a further period of one week if it is stated in the direction that the report of the Adviser in relation to that person's case has not been received before the sixth day immediately preceding the day on which the interim custody order would, but for the direction, cease to have effect.
 - (5) Not more than three directions under sub-paragraph (4) above shall be given in respect of any one interim custody order.
 - (6) A detention order shall be signed by the Secretary of State, and a direction under sub-paragraph (4) above shall be signed by the Secretary of State or a Minister of State or Under Secretary of State.

Supplemental

- 9 (1) The Secretary of State may at any time refer the case of a person detained under a detention order to an Adviser and, if so requested in writing in accordance with sub-paragraph (2) below by a person so detained, shall do so within fourteen days beginning with the receipt of the request.
- (2) A person detained under a detention order shall not be entitled to make a request for the purposes of sub-paragraph (1) above—
 - (a) before the expiration of the period of one year beginning with the date of the detention order ; or
 - (b) within a period of six months from the date of the last notification under sub-paragraph (5) below.
- (3) On any reference under this paragraph, an Adviser shall consider the case and report to the Secretary of State whether or not the person's continued detention is necessary for the protection of the public.
- (4) Paragraphs 6(3) and 7(2) to (4) above shall apply for the purposes of a reference under this paragraph as they apply for the purposes of a reference under paragraph 5 above.
- (5) Where a case is referred to an Adviser in consequence of a request made in accordance with this paragraph, the Secretary of State shall, after receiving the report of the Adviser, reconsider the case of the person to whom it relates and, if he decides not to release that person, shall notify him of his decision.
- (6) A notification under sub-paragraph (5) above shall be by notice in writing and signed by the Secretary of State.
- 10 (1) The Secretary of State may, as respects a person detained under an interim custody order—
 - (a) direct his discharge unconditionally ; or
 - (b) direct his release (whether or not subject to conditions) for a specified period.

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- (2) The Secretary of State may, as respects a person detained under a detention order,—
- (a) direct his discharge unconditionally ; or
 - (b) direct his release subject to conditions or for a specified period, or both.
- (3) The Secretary of State may recall to detention a person released under sub-paragraph (1)(b) or (2)(b) above and a person so recalled may be detained under the original interim custody or detention order, as the case may be.
- (4) Where a person is released under sub-paragraph (1)(b) above, any period during which he is not in detention shall be left out of account for the purposes of paragraphs 5(1), 6(2) and 8(3) above.
- 11 (1) A person required to be detained under an interim custody order or a detention order may be detained in a prison or in some other place approved for the purposes of this paragraph by the Secretary of State.
- (2) A person for the time being having custody of a person required to be detained as aforesaid shall have all the powers, authorities, protection and privileges of a constable.
- (3) Subject to any directions of the Secretary of State, a person required to be detained as aforesaid shall be treated as nearly as may be as if he were a prisoner detained in a prison on remand and any power of temporary removal for judicial, medical or other purposes shall apply accordingly.
- (4) A person required to be detained as aforesaid who is unlawfully at large may be arrested without warrant by any constable or any member of Her Majesty's forces on duty.
- 12 Where a person required to be detained under an interim custody order is unlawfully at large, the interim custody order shall not cease to have effect under paragraph 5 or 8 above while he remains at large; and, upon his being taken again into custody, those paragraphs shall have effect as if the date of the interim custody order were that of his being taken again into custody.
- 13 Any person who—
- (a) being detained under an interim custody order or detention order, escapes ;
 - (b) rescues any person detained as aforesaid, or assists a person so detained in escaping or attempting to escape ;
 - (c) fails to return to detention at the expiration of a period for which he was released under paragraph 10(1)(b) or (2)(b) above ; or
 - (d) knowingly harbours any person required to be detained under an interim custody order or detention order, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody,
- shall be liable on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or to both.
- 14 (1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of this Schedule and to be signed in accordance with this Schedule shall be received in evidence and shall, until the contrary is proved, be deemed to be duly made or given and signed.
- (2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the

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document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be duly made and signed.

- 15 The Secretary of State may make such payments to persons released or about to be released from detention under this Schedule as he may, with the consent of the Treasury, determine.

SCHEDULE 2

Section 21.

PROSCRIBED ORGANISATIONS

The Irish Republican Army.
Cumann na mBan.
Fianna na hEireann.
The Red Hand Commando.
Saor Eire.
The Ulster Freedom Fighters.
The Ulster Volunteer Force.

SCHEDULE 3

Section 27.

THE NORTHERN IRELAND (EMERGENCY PROVISIONS) REGULATIONS 1978

Title

- 1 These regulations may be cited as the Northern Ireland (Emergency Provisions) Regulations 1978.

Road traffic

- 2 The Secretary of State may by order prohibit, restrict or regulate in any area the use of vehicles or any class of vehicles on highways or the use by vehicles or any class of vehicles of roads or classes of roads specified in the order, either generally or in such circumstances as may be so specified.

Railways

- 3 The Secretary of State, or any officer of the Royal Ulster Constabulary not below the rank of assistant chief constable, may direct any person having the management of a railway to secure that any train specified in the direction or trains of any class so specified shall stop, or shall not stop, at a station or other place so specified.

Funerals

- 4 Where it appears to an officer of the Royal Ulster Constabulary not below the rank of chief inspector that a funeral may—
- (a) occasion a breach of the peace or serious public disorder, or
 - (b) cause undue demands to be made on Her Majesty's forces or the police,

he may give directions imposing on the persons organising or taking part in the funeral such conditions as appear to him to be necessary the preservation of public order including (without prejudice to the generality of the foregoing) conditions—

- (i) prescribing the route to be taken by the funeral;
- (ii) prohibiting the funeral from entering any place specified in the directions ;
- (iii) requiring persons taking part in the funeral to travel in vehicles.

Closing of licensed premises, clubs, etc.

5 The Secretary of State may by order require that premises licensed under the Licensing Act (Northern Ireland) 1971, premises registered under the Registration of Clubs Act (Northern Ireland) 1967 or any place of entertainment or public resort—

- (a) shall be closed and remain closed, either for an indefinite period or for a period, or until an event, specified in the order, or
- (b) shall be closed at a particular time either on all days or on any day so specified.

SCHEDULE 4

Section 30.

THE SCHEDULED OFFENCES

PART I

SUBSTANTIVE OFFENCES

Common law offences

- 1 Murder, subject to note 1 below.
- 2 Manslaughter, subject to note 1 below.
- 3 The common law offence of riot.
- 4 Kidnapping.
- 5 False imprisonment.
- 6 Assault occasioning actual bodily harm, subject to note 1 below.

Malicious Damage Act 1861

- 7 Offences under section 35 of the Malicious Damage Act 1861 (interference with railway).

Offences against the Person Act 1861

- 8 Offences under the following provisions of the Offences against the Person Act 1861, subject as mentioned below,—
 - (a) section 4 (conspiracy, etc. to murder) subject to note 2 below;
 - (b) section 16 (threats to kill) subject to note 2 below ;

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- (c) section 18 (wounding with intent to cause grievous bodily harm) subject to note 2 below ;
- (d) section 20 (causing grievous bodily harm) subject to note 2 below;
- (e) section 28 (causing grievous bodily harm by explosives) ;
- (f) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm);
- (g) section 30 (placing explosive near building or ship with intent to do bodily injury).

Explosive Substances Act 1883

- 9 Offences under the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or damage property);
 - (b) section 3 (attempting to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property);
 - (c) section 4 (making or possessing explosives in suspicious circumstances).

Prison Act (Northern Ireland) 1953

- 10 Offences under the following provisions of the Prison Act (Northern Ireland) 1953, subject to note 2 below,—
- (a) section 25 (being unlawfully at large while under sentence);
 - (b) section 26 (escaping from lawful custody and failing to surrender to bail);
 - (c) section 27 (attempting to break prison);
 - (d) section 28 (breaking prison by force or violence);
 - (e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment);
 - (f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment);
 - (g) section 32 (causing discharge of prisoner under pretended authority);
 - (h) section 33 (assisting prisoners to escape by conveying things into prisons).

Firearms Act (Northern Ireland) 1969

- 11 Offences under the following provisions of the Firearms Act (Northern Ireland) 1969—
- (a) section 1(1) (possessing, purchasing or acquiring firearm or ammunition without certificate);
 - (b) section 2(1), (2), (3) or (4) (manufacturing, dealing in, repairing, etc., firearm or ammunition without being registered);
 - (c) section 3 (shortening barrel of shotgun or converting imitation firearm into firearm);
 - (d) section 4(1) (manufacturing, dealing in or possessing machine gun, or weapon discharging, or ammunition containing, noxious substance);
 - (e) section 14 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property);

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- (f) section 15 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another, etc.);
- (g) section 16 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
- (h) section 17 (carrying firearm, etc., in public place) subject to note 3 below ;
- (i) section 19 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc., and sale of firearm or ammunition to such a person);
- (j) section 19A (possessing firearm or ammunition in suspicious circumstances).

Theft Act (Northern Ireland) 1969

- 12 Offences under the following provisions of the Theft Act (Northern Ireland) 1969, subject to note 4 below,—
- (a) section 8 (robbery);
 - (b) section 10 (aggravated burglary).

Protection of the Person and Property Act (Northern Ireland) 1969

- 13 Offences under the following provisions of the Protection of the Person and Property Act (Northern Ireland) 1969—
- (a) section 1 (intimidation);
 - (b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances);
 - (c) section 3 (throwing or using petrol bomb, etc.).

Hijacking

- 14 Offences under section 1 of the Hijacking Act 1971 (aircraft).
- 15 Offences in Northern Ireland under section 2 of the Criminal Jurisdiction Act 1975 (vehicles and ships).

Prevention of Terrorism (Temporary Provisions) Act 1976

- 16 Offences under the following provisions of the Prevention of Terrorism (Temporary Provisions) Act 1976—
- (a) section 9 (breach of exclusion orders);
 - (b) section 10 (contributions towards acts of terrorism);
 - (c) section 11 (information about acts of terrorism).

Criminal Damage (Northern Ireland) Order 1977

- 17 Offences under the following provisions of the Criminal Damage (Northern Ireland) Order 1977, subject to note 2 below—
- (a) Article 3(1) and (3) or Article 3(2) and (3) (arson);
 - (b) Article 3(2) (destroying or damaging property with intent to endanger life);
 - (c) Article 4 (threats to destroy or damage property) ;
 - (d) Article 5 (possessing anything with intent to destroy or damage property).

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

Criminal Law (Amendment) (Northern Ireland) Order 1977

- 18 Offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes), subject to note 2 below.

This Act

- 19 Offences under the following provisions of this Act—
- (a) section 21 ;
 - (b) section 22 ;
 - (c) section 23 ;
 - (d) paragraph 13 of Schedule 1.

NOTES

- 1 Murder, manslaughter or an assault occasioning actual bodily harm is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
- 2 An offence under—
- (a) section 4, 16, 18 or 20 of the Offences Against the Person Act 1861 ; or
 - (b) section 25, 26, 27, 28, 29, 30, 32 or 33 of the Prison Act (Northern Ireland) 1953 ; or
 - (c) Article 3, 4 or 5 of the Criminal Damage (Northern Ireland) Order 1977 ; or
 - (d) Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977,
- is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
- 3 An offence under section 17 of the Firearms Act (Northern Ireland) 1969 is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.
- 4 Robbery and aggravated burglary are scheduled offences only where it is charged that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence; and expressions defined in section 10 of the Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

PART II

INCHOATE AND RELATED OFFENCES

- 20 Each of the following offences, that is to say—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule hereafter in this paragraph referred to as a "substantive offence";
 - (b) attempting or conspiring to commit a substantive offence;
 - (c) an offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence;
 - (d) an offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967 of failing to give information to a constable which is likely to secure,

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or to be of material assistance in securing, the apprehension, prosecution or conviction of a person for a substantive offence,
shall be treated for the purposes of this Act as if it were the substantive offence.

PART III

EXTRA-TERRITORIAL OFFENCES

- 21 Any extra-territorial offence as denned in section 1 of the Criminal Jurisdiction Act 1975.

SCHEDULE 5

Section 35(2).

TRANSITIONAL PROVISIONS AND SAVINGS

- 1 (1) Subject to sub-paragraph (4) below, any instrument made, any direction or authorisation given or any other thing done under any enactment repealed by this Act or any order, rules or regulations made under any such enactment shall, so far as it could have been made, given or done under any provision of this Act have effect as if it had been made, given or done under that provision.
- (2) The Northern Ireland (Emergency Provisions) Regulations 1973 (set out in Schedule 3 to the Northern Ireland (Emergency Provisions) Act 1973) are an enactment repealed by this Act and, accordingly, the reference in sub-paragraph (1) above to anything done under an enactment repealed by this Act includes a reference to anything done under those Regulations.
- (3) In sub-paragraph (1) above, references (however expressed) to things done under an enactment repealed by this Act shall be construed, in relation to the Northern Ireland (Emergency Provisions) Act 1973, as including references to things which, by virtue of section 31(5) of that Act, fell to be treated as if done under that Act.
- (4) Sub-paragraph (1) above shall not be construed as saving the provisions specified in Part II of Schedule 6 to this Act.
- 2 Any enactment, instrument or document referring to any enactment repealed by this Act shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Act.
- 3 Nothing in this Act shall affect the enactments repealed by Parts I and II of Schedule 6 to this Act in their operation in relation to offences committed before the commencement of this Act.
- 4 Until Article 4 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1977 comes into operation, section 3(3) above shall have effect with the substitution of " defence " for " criminal aid ".
- 5 (1) Paragraph 14 of Schedule 1 to this Act shall have effect in relation to a document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1973 or Part I of Schedule 1 to the 1975 Act and to be signed in accordance with the said Schedule or Part as it has effect in relation to a document referred to in that paragraph.

- (2) In this paragraph " the 1975 Act" means the Northern Ireland (Emergency Provisions) (Amendment) Act 1975.
- 6 Nothing in the foregoing paragraphs shall be construed as affecting the operation of section 38 of the Interpretation Act 1889 (effect of repeals).

SCHEDULE 6

Section 35(3).

ENACTMENTS REPEALED

PART I

ACTS, ETC

Chapter or Number	Short Title	Extent of Repeal
1973 c. 53.	The Northern Ireland (Emergency Provisions) Act 1973.	Sections 2 to 4 and 6 to 8. Sections 10 to 18.. Section 19(1) to (7). Sections 20 and 21. Sections 23 to 27. In section 28(1), the definitions, except that of " enactment". Section 29. In section 30, subsections (1) to (3), in subsections (4) and (5), the words " whether " and " or subsequently " and subsections (6) and (7). In section 31, subsections (2), (3) and (5) and in subsection (7), the words " for the time being in force ", paragraph (b) and the word "and" preceding it. Schedules 2 to 5.
1974 c. 33.	The Northern Ireland The whole Act. (Young Persons) Act 1974.	The whole act
1975 c. 59.	The Criminal Jurisdiction Act 1975.	In section 4(1), the words from the beginning to " and ". In Schedule 2, paragraphs 1, 2(1) and 3.

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

Chapter or Number	Short Title	Extent of Repeal
1975 c. 62.	The Northern Ireland (Emergency Provisions) (Amendment) Act 1975.	Sections 2 to 5. Section 6(1) and (2)(a). Section 8. Section 9(1) and (3). Sections 10 to 13. In section 14, the words from the beginning to " and accordingly ". Sections 15 to 19. Sections 21 and 22. Section 23(2). In Schedule 1, Part I. Schedules 2 and 3.
1976 c. 8.	The Prevention of Terrorism (Temporary Provisions) Act 1976.	In Schedule 3, in paragraph 8, the words from " and accord -ingly " onwards.
S.I. 1977 No. 426 (N.I. 4).	The Criminal Damage (Northern Ireland) Order 1977.	Article 13(5).
1977 c. 34.	The Northern Ireland (Emergency Provisions) (Amendment) Act 1977.	The whole Act.

PART II

ORDERS

Number	Short Title	Extent of Repeal
S.I. 1973 No. 1880.	The Northern Ireland (Emergency Provisions) Act Proscribed Organisations (Amendment) Order 1973.	The whole Order.
S.I. 1974 No. 864.	The Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1974.	In Article 3, the words from the beginning to " of the Act)".
S.I. 1974 No. 1212.	The Northern Ireland (Emergency Provisions) Act 1973 (Continuance) Order 1974.	The whole Order.

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

Number	Short Title	Extent of Repeal
S.I. 1974 No. 2162.	The Northern Ireland (Various Emergency Provisions) (Continuance) Order 1974.	The whole Order.
S.I. 1975 No. 1059.	The Northern Ireland (Various Emergency Provisions) (Continuance) Order 1975.	The whole Order.
S.I. 1975 No. 1609.	The Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1975.	The whole Order
S.I. 1975 No. 2214.	The Northern Ireland (Various Emergency Provisions) (Continuance) (No. 2) Order 1975.	The whole Order.
S.I. 1976 No. 1090.	The Northern Ireland (Various Emergency Provisions) (Continuance) Order 1976.	The whole Order.
S.I. 1976 No. 2238.	The Northern Ireland (Various Emergency Provisions) (Continuance) (No 2) Order 1976.	The whole Order.
S.I.1977 No. 1171.	The Northern Ireland (Various Emergency Provisions) (Continuance) Order 1977.	The whole Order.
S.I. 1977 No. 1265.	The Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1977.	The whole Order.
S.I. 1977 No. 2142.	The Northern Ireland (Various Emergency Provisions) (Continuance) (No. 2) Order 1977.	The whole Order.