

## 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,

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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).



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*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.

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Chapter or Number	Short Title	Extent of Repeal
<a href="#">1975 c. 62.</a>	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.
<a href="#">1976 c. 8.</a>	The Prevention of Terrorism (Temporary Provisions) Act 1976.	In Schedule 3, in paragraph 8, the words from " and accord -ingly " onwards.
<a href="#">S.I. 1977 No. 426 (N.I. 4).</a>	The Criminal Damage (Northern Ireland) Order 1977.	Article 13(5).
<a href="#">1977 c. 34.</a>	The Northern Ireland (Emergency Provisions) (Amendment) Act 1977.	The whole Act.

**PART II**

## ORDERS

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

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