



# Northern Ireland (Emergency Provisions) Act 1996

## 1996 CHAPTER 22

### PART VIII

#### SUPPLEMENTARY

#### **57 Restriction of prosecutions**

A prosecution in respect of an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

#### **58 General interpretation**

In this Act, except so far as the context otherwise requires—

“dwelling-house” means any building or part of a building used as a dwelling;

“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 30(2);

“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 given by section 1;

“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.

## **59 Repeal of Northern Ireland (Emergency Provisions) Act 1991**

The Northern Ireland (Emergency Provisions) Act 1991 shall cease to have effect.

## **60 Orders and regulations**

- (1) Subject to subsection (4), any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument.
- (2) No order under section 1, 30 or 62(3) and no regulations under section 49 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.
- (3) Orders and regulations under the provisions mentioned in subsection (2) shall, if not so approved in draft, be laid before Parliament after being made and, if at the end of the period of forty days (computed in accordance with section 7(1) of the Statutory Instruments Act 1946) after the day on which the Secretary of State made such 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).
- (4) Subsection (1) does not apply to any order under section 27 or Schedule 3 or any order under regulations made by virtue of section 49.
- (5) Any regulations under section 8 and any order under section 15(5), 16(8), 53 or 54 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Any order under section 39(4) shall be laid before Parliament after being made.

## **61 Expenses**

Any expenses of the Secretary of State under this Act shall be defrayed out of money provided by Parliament.

## **62 Commencement, duration, expiry and revival of provisions of this Act**

- (1) This Act shall come into force on 25th August 1996.
- (2) The temporary provisions of this Act, that is to say, Parts I to VII except—
  - (a) section 7, Part III of Schedule 1 and, so far as they relate to offences which are scheduled offences by virtue of that Part, sections 3, 10 and 11; and
  - (b) sections 55 and 56,shall (subject and without prejudice to subsection (3)) expire with 15th June 1997.

- (3) The Secretary of State may by order provide—
  - (a) that all or any of the temporary provisions of this Act 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 twelve months from the coming into operation of the order;
  - (b) that all or any of those provisions which are for the time being in force shall cease to be in force; or
  - (c) that all or any of those provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding twelve months from the coming into operation of the order.
- (4) An order under subsection (3) which relates to section 20, 23, 24, 25 or 26 may provide for the continuance, cessation or revival of that section—
  - (a) generally,
  - (b) only in so far as it concerns powers of members of Her Majesty's Forces, or
  - (c) except in so far as it concerns powers of members of Her Majesty's Forces.
- (5) The Secretary of State shall be deemed to have made an order under subsection (3)(b) above in respect of the provisions of section 36 and Schedule 3 with effect immediately after the coming into force of those provisions on 25th August 1996.
- (6) The coming into force of any provision of sections 10 to 13 by virtue of an order made under subsection (3)(c) above shall not affect any trial on indictment where the indictment has been presented before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.
- (7) Where before the coming into force of subsection (1) of section 10 by virtue of such an order 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 the Crown Court sitting elsewhere than in Belfast, be treated as having been committed—
  - (a) to the Crown Court sitting in Belfast; or
  - (b) where a direction has been given under that subsection which concerns the trial, to the Crown Court sitting at the place specified in the direction.
- (8) The expiry or cesser of any provision mentioned in subsection (6) shall not affect the application of that provision to any trial on indictment where the indictment has been presented before the expiry or cesser; and the expiry or cesser of section 15 or 16 shall not affect the operation of that section in relation to an offence committed while it, or a corresponding earlier enactment, was in force.
- (9) It is hereby declared that the expiry or cesser of any provision of section 10 shall not affect—
  - (a) any committal of a person for trial in accordance with that provision to the Crown Court sitting either in Belfast or elsewhere, or
  - (b) any committal of a person for trial which, in accordance with that provision, has taken effect as a committal for trial to the Crown Court sitting elsewhere than in Belfast,in a case where the indictment has not been presented.
- (10) This Act shall, by virtue of this subsection, be repealed as from the end of 24th August 1998.

**63 Savings, amendments and repeals**

- (1) Neither any rule of law nor any enactment other than this Act 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 62(8) 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) Schedule 5 (which makes transitional provisions in relation to scheduled offences) shall have effect.
- (3) Where this Act repeals and re-enacts provisions of the Northern Ireland (Emergency Provisions) Act 1991, the repeal and re-enactment shall not, unless the contrary intention appears, affect the continuity of the law.
- (4) Any document made, served or issued after the commencement of this Act which contains a reference to an enactment repealed by this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of this Act.
- (5) Any document made, served or issued after the commencement of this Act which contains a reference to a provision of this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of the Northern Ireland (Emergency Provisions) Act 1991.
- (6) The enactments mentioned in Schedule 6 to this Act shall be amended in accordance with that Schedule.
- (7) The enactments mentioned in Part I of Schedule 7 to this Act are hereby repealed, and the instruments mentioned in Part II of that Schedule are hereby revoked, to the extent there specified.

**64 Short title and extent**

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1996.
- (2) This Act extends to Northern Ireland only, except that the amendments and repeals in Schedules 6 and 7 have the same extent as the enactments to which they relate.