

SCHEDULES

SCHEDULE 1

Section 2.

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1996

Temporary extension

- 1 (1) This paragraph applies to any of the following if and in so far as it is in force immediately before the passing of this Act by virtue of an order under section 62(3) of the Northern Ireland (Emergency Provisions) Act 1996 (duration)—
- (a) a provision of the Northern Ireland (Emergency Provisions) Act 1996 (other than one mentioned in sub-paragraph (2)),
 - (b) a provision of the Prevention of Terrorism (Temporary Provisions) Act 1989, and
 - (c) section 4 of the Criminal Justice (Terrorism and Conspiracy) Act 1998 (forfeiture orders).
- (2) This paragraph does not apply to the following provisions of the Northern Ireland (Emergency Provisions) Act 1996—
- (a) section 26(1)(b) (power of entry on authority of Secretary of State),
 - (b) section 35 (wearing of hoods), and
 - (c) section 50 (explosives factories).
- 2 (1) A provision to which paragraph 1 applies shall continue in force for the period of 12 months starting with the day on which this Act is passed.
- (2) The Secretary of State may by order provide for a provision to which paragraph 1 applies to continue in force for the period of 12 months immediately following the period mentioned in sub-paragraph (1).
- 3 (1) The powers under section 62(3)(a) and (c) of the Northern Ireland (Emergency Provisions) Act 1996 shall continue to be exercisable in relation to a provision to which paragraph 1 applies in respect of any period falling within—
- (a) the period mentioned in paragraph 2(1), or
 - (b) a period specified in relation to that provision under paragraph 2(2).
- (2) The power under section 62(3)(b) of the Northern Ireland (Emergency Provisions) Act 1996 shall continue to be exercisable in relation to a provision to which paragraph 1 applies at any time during—
- (a) the period mentioned in paragraph 2(1), or
 - (b) a period specified in relation to that provision under paragraph 2(2).
- 4 The Secretary of State may by order provide for a provision to which paragraph 1 applies—
- (a) to cease to have effect on a specified day;
 - (b) to cease to be capable of being the subject of an order under section 62(3) of the Northern Ireland (Emergency Provisions) Act 1996.

Status: This is the original version (as it was originally enacted).

- 5 The continuance in force of a provision by virtue of paragraph 2 is subject to any order made by virtue of paragraph 3 or 4.
- 6 (1) A provision of the Northern Ireland (Emergency Provisions) Act 1996 to which paragraph 1 does not apply shall continue to have effect for the purposes of, or in so far it relates to, any provision to which that paragraph does apply.
- (2) While Part I of Schedule 1 to that Act (scheduled offences) has effect by virtue of this Schedule, the following shall also have effect—
- (a) Part III of that Schedule (extra-territorial offences), and
- (b) sections 3, 10 and 11 of that Act so far as they relate to offences which are scheduled offences by virtue of that Part.

Amendments during temporary extension

- 7 The provisions of the 1996 Act which continue in force by virtue of this Schedule shall be amended as follows.
- 8 In section 19 (arrest and seizure) after subsection (4) insert—
- “(5) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the Human Rights Act 1998.”
- 9 In section 20 (search for munitions, &c.) after subsection (5) insert—
- “(5A) The power to extend a period conferred by subsection (5) may be exercised only once in relation to a particular search.”
- 10 In section 26 (powers of entry, &c.) after subsection (2) insert—
- “(2A) The Secretary of State may grant an authorisation under subsection (2) only if he considers it necessary for the preservation of the peace or the maintenance of order.”
- 11 In section 33 (collection of information, &c.) after subsection (5) insert—
- “(5A) Before making an order under subsection (5) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.
- (5B) An order under subsection (5) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).”
- 12 (1) Part V (private security services) shall have effect subject to the provisions of this paragraph.
- (2) On issuing a certificate under section 39 the Secretary of State may impose a condition if satisfied that it is necessary in order to prevent an organisation within section 39(8) from benefiting from the certificate.
- (3) To the grounds for refusal to issue a certificate and for revocation of a certificate in sections 39(1) and (5) there shall be added the ground that the Secretary of State is satisfied that the applicant for or holder of a certificate has failed to comply with a condition imposed by virtue of sub-paragraph (2) above.
- (4) The applicant for a certificate may appeal to the High Court if—

- (a) the application is refused,
 - (b) a condition is imposed on the grant of the certificate, or
 - (c) the certificate is revoked.
- (5) Where an appeal is brought under sub-paragraph (4), the Secretary of State may issue a certificate that the decision to which the appeal relates—
- (a) was taken for the purpose of preventing benefit from accruing to an organisation which was within section 39(8), and
 - (b) was justified by that purpose.
- (6) If he intends to rely on a certificate under sub-paragraph (5), the Secretary of State shall notify the appellant.
- (7) Where the appellant is notified of the Secretary of State's intention to rely on a certificate under sub-paragraph (5)—
- (a) he may appeal against the certificate to the Tribunal established under section 91 of the Northern Ireland Act 1998, and
 - (b) sections 90(3) and (4), 91(2) to (9) and 92 of that Act (effect of appeal, procedure, and further appeal) shall apply.
- (8) Rules made under section 91 or 92 of that Act which are in force immediately before the passing of this Act shall have effect in relation to a certificate under sub-paragraph (5)—
- (a) with any necessary modifications, and
 - (b) subject to any later rules made by virtue of sub-paragraph (7)(b).